WAR GOVERNMENT FEDERAL AND STATE

1861–1865

WILLIAM B. WEEDEN

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Author of Economic and Social History of New England

BOSTON AND NEW YORK
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PREFACE

The Civil War will afford ample ground for historical research and study for generations to come. Massachusetts is far ahead of other States in the preservation and arrangement of all records, especially those in manuscript. Her "shoestring files" contain the original story of the stalwart doings in those days, comprising several hundred volumes of manuscript, well arranged and kept under lock and key. Careful search was made here; and I was indebted to Governor Crane, Mr. Hamlin, and the other officials, for constant courtesy. The archives at Albany and at Harrisburg were examined. The excellent biography by Foulke sufficiently lighted up and colored the extensive correspondence of Morton as it was set forth in the "Official Records of the Rebellion." This enormous collection of printed matter is a mine of crude ore, and from it will be drawn the maturing history of our pregnant Civil War.

James Ford Rhodes's account is exhaustive, absolutely impartial, and very graphic. I have used freely his widespread authorities. I differ in construing the facts at some important points, as will appear in the following pages. Very likely the difference was in that I could not rise to the heights of his sedate charitableness.

W. B. W.

Providence, R. I., March 1, 1906.

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INTRODUCTION

It was my lot to lap two generations of historians. George Bancroft, Francis Parkman, and others gave me advice and encouragement; Justin Winsor constant direction and suggestion; Herbert B. Adams much sympathy. Perhaps I should not have written had not Winsor warmly encouraged it. Sometimes I thought there was enough matter already printed; but he showed that sincere and serious effort to "enlarge the bounds of knowledge" would never be unwelcome or useless. Latterly, I often urged on the students of this generation that there was a great field for the study of government in the interplay of the National Union and the State commonwealths, which were principalities in the Civil War, especially in its early stages. Likewise the personality of the governors was romantic and interesting. All said "Good"— but no one wrote. When I first suggested my own undertaking to a Nestor in our circles, and told him of these results, or lack of a resultant, he said, "Ah! those who write about it must have lived it." And the number who lived it is narrowing fast. I realized the force of his saying when I came to lay out subject-matter and narrative in the beginning. Facts which were simple enough alone became complex questions when their relation to other doings entangled the incidents and enforced a new form or frame of suggestion. As Mr. Rhodes well says in his fourth volume, a continuous narrative of the Civil War

does not admit consideration of some important issues, which often end in grave constitutional problems.

When President Lincoln assumed control, Union, "the bond of all things," existed; though despoiled and damaged, it was not broken or dissolved. Even James Buchanan had been able to comprehend that; weak and undetermined as he was, he could not betray a trust. On the other hand, he could not maintain government in its natural prerogatives; could not perceive that secession involved immediate coercion, else there could be no Union. This entity, represented by the administration at Washington, was a necessary whole, but not absolute in all its functions.

On the other hand, the States were not mere aggregations of people, though their several populations constituted the people whom Lincoln led and constantly had in mind. In this consciousness he was their working servant as well as director and leader by right. Ultimately he reached the powers of a dictator, but he was no Sulla or Cæsar; he used only the abounding prerogatives of the greatest servant of the people.

Meanwhile, the States — what were they? Minor principalities, not complete in sovereignty, any more than the people are completely sovereign; but powers with many attributes of sovereignty. They could not coin money or levy war for themselves; but they could levy war for the Union, on the largest scale conceived at that time by any people, whether governed imperially or democratically. The true functions of these partial powers and petty kingdoms were hardly perceived in 1861. Good people were so busy in putting down rebellious States seeking a new confederacy that

they forgot the importance of these mediatory principalities, powerful in their local representation, and instantly ready to support the loyal North. Because it was convenient for a bureau at Washington to stretch forth the national power and levy on the whole people, the bureaucrats were constantly forgetting that this process was in a state of necessary gestation. The central power of the Union, destined ultimately to reach its imperial hand over every citizen, was being slowly developed. As long as all citizens were in substantial agreement, it made little practical difference how these powers were exercised technically. But when Republicans and Democrats resumed their old party lines, the materials for difference of opinion rapidly became national issues of vital importance. The misunderstanding of citizens might become half treasonable opposition in conducting local parties, and might make state legislatures practically hostile to the national government.

As the contest advanced and thickened, the functions of the leaders of these local communities were extended and amplified. The term "War Governor" grew naturally out of the occasion, and such men were Paladins of more than chivalrous devotion to the cause of one common country. The name indicates that something had been added to the office as it had been known in the ordinary civic routine of the States. They were indeed detached but assimilated War Ministers, wielding the resources of their governments, not only in execution of the law, but by mustering all the powers of the States according to the need, and under the requisitions, of the national government. Their ener-

gies in most instances were unbounded, while their executive resource and tact were unfailing. Their intercourse with the President and departments, varying according to the traits and characteristics of each individual, affords most interesting ground for investigation. A vast amount of humanness — of the nature and condition of man — shows itself in the interplay of these powerful, practical men of affairs with the authorities at Washington. The officials of the bureaus were more constrained, limited by politics and routine, oppressed by a conserving sense of responsibility, than were these captains who worked in the midst of the people. They had a certain sovereign quality as direct representatives of the people; but their dominions and principalities were portions of the Union, — parts of its whole, — combined in its structure, and constantly affected by the national movement of all the parts.

There were great personalities developed then; and none greater than the three men treated herein, — Morton, Andrew, Curtin, — whose service was continuous throughout the war. The personages differed as much, essentially, as the circumstances and conditions of their respective communities. Moreover, the prescribed conditions of the occasion in some degree forecast the resultant action of those personages, which action in turn varied its color as personal characteristics came into play.

The main motive of my thesis lies just here. War government, federal and state, did the work most potent and far-reaching in its results, in the business we are now indicating. The rebellion made itself and created its necessary issues; the immensity of the war, the

hecatombs of slaughter, the wasting of myriad homes, were due to occasional incapacities of the administration.

The administration — president and cabinet — could not grasp the whole national issue resting in its hands. It was so fearful of doing too much that it tried to even the national balance by striking from the recruiting measures the heaped-up resources which the governors and loyal legislators were constantly offering from the very heart of the people. This puttering economy of the national rulers turned awry the magnificent stream of early recruits — not raw clodhoppers, but soldiers amply supplied and equipped by state energy out of state treasuries. This mustering force, which ought to have marched out in regular tread toward Washington, was either checked and hindered like an uncertain desert stream, or it was driven like a fitful torrent when the recurring panics called hastily for more and more troops. The mismanagement of these proffered thousands and abounding resources finally exhausted the voluntary spirit which prevailed so vigorously in the early days. The exhaustion of the volunteers naturally compelled the administration to put forth its central authority and to bring every citizen of the United States — exemptions excepted — under its military control: in short, it made a draft.

But this process, clear in statement, was by no means easy and simple as the facts occurred. If the loyal communities had been kept at work mustering and equipping out of the abundant local resources of the States, there could not have arisen those differing issues which did arise concerning the powers of the States

and the main functions of the national government. These disturbing matters became burning questions. They were adopted by the old Democratic party, now cast adrift and needing as a party a respectable shibboleth. The Republican partisans, on the other hand, were by no means self-effacing or modest in their assertions. The most intense partisan is a narrow and over-virtuous one. But deeper in political consequence than these personal or partisan predilections was the larger ground of legitimate constitutional evolution. There were no actual constitutional means for placing States in loyal opposition to the fair course of the national government. The well-practiced American methods of installing opposition through discussion and party debate, failed in times of revolution, when the matter touched vital national issues. The practical outcome of agitating a Northern State and throwing it across the line of action taken by the national government was a veiled support of the seceded and rebellious States. There was no essential difference between the position advocated by Horatio Seymour in 1863[1] and that of Robert E. Lee when he resigned his commission in the army of the Union.[2] These innate constitutional limitations were not fully recognized and comprehended at the time; but the people felt them, endured immense

[1] Cf. *infra* p. 293.

[2] Lee resigned April 20, 1861, and wrote his sister on the same day: "The whole South is in a state of revolution, into which Virginia, after a long struggle, has been drawn; and though I recognize no necessity for this state of things, and would have forborne and pleaded to the end for redress of grievances, real or supposed, yet in my own person I had to meet the question whether I should take part against my native State." — *Recollections of General Lee*, p. 26.

anxiety accordingly, and cherished bitter hatred of the Copperhead.

The practical outcome and effect of all this agitation was not the repression of the States politically, but their disuse as the greatest volunteering agencies ever known. The national government, absorbing the strength of the Union, reaching forth its natural prerogatives, seized every citizen — not exempt from military service — through the draft. This did not change the nature of the contest, though forms changed. Methods of organization were altered greatly; and to half-developed statesmen like Horatio Seymour these methods seemed unrepublican and despotic. The people knew better, and acted accordingly.

There was an immense loss of immediate vigor in a people bred to local government, when the large state organisms were curtailed of their largest and most far-reaching local functions. Morton, Curtin, and Andrew were no less loyal patriots when they were striving to administer the draft. The contrast between them and Seymour's half-way counselors was like Milton's vision of Gabriel and Michael arrayed against Satan and Moloch, though the amiable Copperhead lacked the force of these rebellious angels. But the governors could not be the mighty agents they had been, injecting the national ascendency into every hamlet, and stimulating every citizen, through his local functions and civic pride, to offer himself on the altar of his country. It is pathetic to read the anxious expressions of these governors, and to enter into their struggles, when trying to ward off the draft. They became mere implements and utensils — very serviceable, it is

true, in carrying through the national power and in distributing its action, but occupying, nevertheless, a difficult and unpleasant office.

Perhaps nothing in the early days of the Rebellion impressed observers and critics, at home or abroad, more forcibly than the immediate use of the kingly power which survived in the office of President. The Southern Confederacy differed in character from the United States, though its form was much the same. The seceding States formed their government in the strictest method of representative institutions, such as had been followed in the old republic, but adapting the new form to the maintenance of slavery. Their orderly conduct in these respects justly commended itself. But the office of President, though it finally assumed dictatorial powers under the inevitable pressure of war, was new and untried in the beginning. On the other hand, President Lincoln, instead of surrendering to anarchy at Washington, as the rebels hoped and even expected, found plenty of prerogatives awaiting his hand. These were inevitable powers, emanating directly from the people and concentrating in a crisis only in one hand, if there is to be any effective government enforced by such people or nation. These kingly, though not organized, powers, carefully exercised by Lincoln, gradually widened into the effective control of a dictator. The form was republican and limited, but the substance was of the old attributes of sovereignty.

Nothing more bewildered the average congressman, in his Philistine consciousness, than this potent and elusive force in the President. The people trusted Lincoln, and, knowing their nature as he did, he never

abused their confidence and never doubted their support. This serene authority maddened the half intelligent congressman, who fancied himself the essence of a town-meeting, backed at any moment by overwhelming popular vote. Seward, with characteristic sagacity, noted that Congress frequently represented the Press, which they then mistook for the People.[1] Certainly, important issues were generally initiated by the legislative branch of government, and must be always confirmed, as soon as circumstance would admit. But in an extraordinary crisis, legislation was so carved out by circumstance and enforced by patriotic necessity that the congressional representative felt himself under duress, as it were. However, if he could not wholly initiate the necessary bill, he could scold; and there was much talk against acting in accord with the "royal pleasure," in the words of Ben Wade.[2]

This disappointed energy of congressmen and of party leaders generally culminated in the serious revolt against Lincoln in the early canvass for his reëlection in 1864. Though the people had nominated him, these petty politicians fancied he could not be elected without their own instant help. They wanted something else, they did not know what, until the great ground swell of the people lifted the politicians on the wave, and swept away the McClellans and Seymours.

We must separate the dictatorial powers in the presidential hand — and so sparingly used by him — from the great act of emancipation, which produced the most far-reaching changes. The President herein acted from a line of prerogatives differing totally from those of a

[1] *Seward at Washington, 1861–72*, p. 23. [2] *Infra*, p. 253.

dictator. If they had not differed, the influence of learned critics like Benjamin R. Curtis,[1] shouting "Usurpation!" would have created something more than a bubble on the surface of the foaming agitation of the time. The President, burdened with unsought responsibility in supervising incompetent generals, had come to be literally Commander-in-Chief as the war moved on. As soon as possible, the same conscientious ruler gladly yielded his baton to General Grant. His greatest military act was when his bloodless sword bent into a pen and struck the shackles from four million human beings. Tremendous powers were given by the American people to their Dictator and to their Commander-in-Chief; but there was no mingling and confusion of the two entities. The capacity to recognize and discriminate these great governmental agencies, latent in the people, always put forth at the right moment, is a wonder.

A salient point of my study consists in the contention that, if the powers of the people, voluntarily thrust upon the administration in the year following the autumn of 1861, had been energized and fully employed, the tremendous changes in the Constitution and government of the United States would not have occurred. These events and their issues are matter of history. But if slavery had not been destroyed as it was, speculation can hardly conceive of its abolition. Plainly, legislative power could not have been moved to so great a change in the Constitution as matters stood. The border States were sluggish and indifferent to every kind of compensation offered; the Northern Copperheads opposed every

[1] *Infra*, p. 233.

and any interference with the wonted enthrallment of the blacks. How can we conceive of the successful passage of constitutional amendments capable of solving the difficulty? These speculations, however, go beyond our province. Our business is to inquire into the relations of the Union and the States, and we would ascertain why such vast popular intelligence, backed by enormous resources, did not instantly smash the Rebellion before arbitrary power could muster every man and some children, by desperate conscription, into open revolt.

Pursuing one particular theme, I am forced into some unwelcome criticism of Abraham Lincoln. But it is particular and not general criticism, intended only for the cases cited, and for the question of the moment. The record for the first eighteen months compels strict examination and considerable criticism. Lincoln's greatness grew with the occasion; though his magnanimous spirit was innate and not installed by any election or inauguration. In managing affairs the President showed at times great facility; but there were certain limitations inborn which affected his conduct of office, especially in the early period. Great in every contact with the whole people, he was often little toward his fellow-men. The sense of beauty, the quality of taste in truth and nobleness, had no place in his rugged nature.[1] Consequently the jester or the shrewd politician generally was manifest in his presidential intercourse. Neither the man nor the statesman predominated at the White House or in the intercourse of bureaus. The great man was a poor executive. Sagacious and sincere within, he

[1] Cf. *infra*, p. 46.

often affected those around him, as if he were a trifling clown. Average citizens, good patriots, could not comprehend how pearls could irradiate so rough a shell. Nor was this action mere modest merit languishing within the man. As John Hay shows,[1] he was ambitious to the core; conscious of large ability, and seeking its exercise within such limits as his own lack of taste and breeding prescribed. Meanwhile, such self-seeking competitors as Chase — strong in conscious power and culture — were disgruntled and affronted by enforced contact with the Rail-splitter. Seward got his lesson early and learned the power of his master. Stanton, a disparaging critic at first, had no presidential ambition,[2] and was educated into loyal confidence by Lincoln's magnanimous treatment. These mighty men coöperated sincerely, though the restless ambition of Chase never could submit to Lincoln's dominating personality, while his intriguing spirit finally went to the verge of personal treachery.[3]

All history loses when cast into topical form, but that form was inevitable here. Narrative proper would have included all events of the struggle, and in its mass must have obscured the main principles of this treatise. While the topics cannot follow a strict chronology, and more or less entangle necessary narrative, I trust that the main purposes of the work will become apparent.

There would have been advantages, if I could have included all the States in this study. But so much detail would have incumbered the main topic, which consists in the actual relations of a State — as such —

[1] Cf. *infra*, p. 46.

[2] Boutwell, *Sixty Years*, vol. ii, 89.

[3] Cf. *infra*, p. 331.

to the central organ of all the States. In the communities chosen, Morton, Andrew, and Curtin held continuous service throughout the war. Perhaps Morton had the most difficult post among all the Union patriots. His legislature sometimes was absolutely hostile and violent; to keep the State not only in line, but actually moving forward, participating in all important movements, was a triumph in executive experience.

New York, the Empire State, likewise affords instructive lessons. The city has been always a disturbing factor in national politics. Great commercial centres produce much socially; but they do not comprehend and cheerfully embrace the largest political issues. Commerce is an immense factor in civilization, but it is not superior or even coequal to civilization. Commerce was made for man. As we may not consider the Church in this connection, the development of the State is the greatest mundane interest of man. The great city, with its benumbing influence, brought the overwhelming numbers to Seymour which effected his election. Its backward tendencies confirmed him in his silly wandering after State-independence, and in his quasi-opposition to the national administration.

Although this study is limited to four States, and those Northern, my purpose is national in making it. The individual unionists and secessionists of 1861 are fast passing away. All of us should try to record and interpret the large and controlling principles of the tremendous struggle, as they worked out in the actual operations of the time. The secessionists of 1861 became after bloody trial and sacrifice renewed American citizens. By thorough patriotism and heroic effort they

and their descendants have shown in these latter years that the United States has no better citizens than those dwelling in the Southern States. The dogmas of State-Rights and Secession have passed into the constitutional museum, which preserves all the wondrous structures now developed into the modern organism of liberty and law. However these dogmas were born and bred, — whatever their basis in legal evolution, — they were maintained by brave men and true women. No people ever fought more faithfully, or spent their substance more fully, than the people of the Southern Confederacy.

North and South must preserve the record and study the issues developed. The essential point, as well as the difficulty in historic treatment, is to view and estimate the facts in just proportion for all time. Now, the imperial Union is established in all minds, North and South; then, when the facts occurred, they were passing through minds not judicially bent, but struggling for life or death.

In summing up my own impressions, I see, first, the personality of Abraham Lincoln, towering high above his time. The man was cast in heroic mould, and the circumstances shaping him to his work were the largest in history since Napoleon: perhaps larger than Napoleon's, for the soldier-emperor worked upon institutions which had been gradually losing their popular birth-mark and character; while Lincoln came with his environment directly from the people. Out of the very bosom and heart of humanity came this man, a daily offering to the caprices and humors of popular government, a final sacrifice to an assassin — the fruit of treason and rebellion.

Secondly, I recognize that the leaders and generals of the Confederacy played a great part in this failure of disunion and the victorious ascendency of the Union. There has been much criticism of Jefferson Davis; and doubtless his prejudices and pedantry were liable to censure. Yet it is pretty certain that no one could have accomplished more. The fall of the Southern idea as embodied in the Confederacy was fated; its descent to the nadir of defeat and dissolution could not have been affected much by any individual living within its borders. Davis's necessary policy was inevitably aggressive as well as creative. He could not wait, as Lincoln could and did, for governmental powers latent in the people to spring forth and reëstablish the Union. Davis had to make and break.

Lee was a great moral force at all times. As a soldier he was masterly in defense, provided his opponent did not exceed the scholastic traditions of decorous offense. He created opportunity out of the calculated weakness of his antagonists. Yet this master of defensive strategy fell short whenever attempting a serious offensive to crush his enemy. The gallant sons of the South could assault vigorously and win battles. They could not overcome their opponent intrenched in all the powers of representation, inclosed by all the works of civilization. To attain success, they must not only attack but destroy, demolish not only the men in arms, but the solid institutions which encompassed the Union soldier, protecting him whether in victory or defeat.

There is a third division, once citizens then state participants in the turmoil of the Civil War. It is not a class, for the individuals composing it cannot be clas-

sified. It is composed of disunionists at the North. It is significant that, while Copperheads sought office persistently, the whole country never accepted a disunionist. It was not until Grover Cleveland brought new issues to the front that the Union gave control to the Democracy. Now we are coming into the third generation, which is disposed to forgive and even to forget. The Union is restored both North and South, and patriots everywhere prevail. No one cares to remember when he meets a patriot that his father struck against the flag. Those differences were adjusted. But what of secret betrayers, traitors at heart, who did not breast the battle openly?

The great historic facts cannot be traversed or obscured. The outlines of the struggle for the Union must deepen, must become more manifest, as history records salient events and brings into relief the true meaning of men's acts in those days. If we depict Lincoln in massive form and drape him in heroic lines; if we grant to Davis and Lee the epical grandeur belonging to a great cause sincerely lost — what next? How shall we define those abortive and mischievous creatures, who belonged neither to the Union nor to the Confederacy?

> "Men like these on earth he shall not find
> In all the miscreant race of human kind."

It is not agreeable to portray these individuals. It matters not that they might have been good fathers or neighbors — worshiping in due form and living properly. The State is over all and in all. Domestic life is important; but in the great revolutionary crucibles the State must renovate or throw off every kind of matter

hostile to itself. Or, changing our view, the body politic must nourish itself, rejecting all waste-product, which, being rejected, becomes offal, hardly to be distinguished from treason and disloyalty. Verily, the lot of the Northern disunionist was hard. It will become harder, as time reveals more fully the discordant elements of that time in the clear white light of a restored and greater Union.

WAR GOVERNMENT
FEDERAL AND STATE

CHAPTER I

THE GENESIS OF THE UNION

IN the winter of 1860–61, the United States was vexed by one of the greatest problems in civil government ever set forth in the history of the world. A great commonwealth comprising many differing communities had subdued the earth from ocean to ocean. These communities during some forty years had struggled for or against the system of labor that enslaved the African negro. All the powers of a brilliant branch of the Anglo-Saxon race, apt in political life, had been devoted to the pursuit and the extension of domestic slavery. According with this masterful passion and contingent to it, local self-government had developed vigorously in these slaveholding communities, devoting and attaching their citizens to a solid governing force known as State-Rights.[1] The inevitable principle that the whole must control the parts,[2] — in event of political difference, —

[1] W. H. Russell, cited by Rhodes, vol. iii, 433. "State rights meant protection to Slavery, extension of slave territory, and free trade in slave produce with the outer world."

[2] Webster held, according to Merriam, *American Political Theories*, p. 284, that the Union was established by the people of the United States, and not by the people of the several States. It was as all the people that they established the Constitution.

though embodied in the framework of the Constitution, had never worked itself out in our American experience.

The idea of Union — one out of many, not essentially acting against a part, but including the whole [1] even to the suppression of an offending part — worked itself slowly into the convictions of the American people, and through severe agony became the controlling purpose of their lives. Yet, a nebulous consciousness of this hovering force inhered in the political sentiment of the United States; it strove for expression in the Northern States, and finally overcame the resisting forces, active in the Southern communities, latent in Europe.

To sketch the progress and to trace the interplay of these great governing principles — the overwhelming power of the Union, on the one hand, and the quickening force of home-communities, on the other — will be the purpose of this study.

A prevailing Union was a magnificent creation out of the progress of government. Perhaps the feeblest conception of this transcending idea that ever animated a practical Executive existed in the person and office of James Buchanan; yet, such as it was, it prevailed. In that dark and trying winter, when the President, halting between many opinions, sustained the government after his fashion, there was only one positive idea that animated his muddled consciousness. It was true that he

[1] Mr. Merriam shows, *American Political Theories*, p. 281, that the Union was not a treaty between sovereign States, as Calhoun argued, nor a contract between States by which their sovereignty was diminished, as Madison argued; but it was based on law. This is obvious from the fact that after the tremendous issues of the Civil War, no changes were made in the fundamental law of the Union. The Union now exists by virtue of the original law.

drifted into some countervailing action — when impelled by Black, Holt, and Stanton — toward the salvation of his threatened administration. But his one controlling idea was the non-secession of a member of the Union. Conscientious, timid, credulous, employing precious time and exhausting his strength in feeble prayers or maudlin tears, he did see the tremendous fact that a State could not go. Weak as he was, he was more powerful than the passionate Greeley crying out, "We shall resist all coercive measures."[1] For he did hold in a certain way that the whole was greater than any part, or than all the parts operating through their separate functions; though he might fail when attempting to put this conception into executive practice. With absurd inconsistency, he could not coerce a State to stay in the Union, while he could find no prerogative or authority for her outgoing. Yet history should give him his due, in that he did hold together — though feebly and in the worst manner — the functions of his office, and did deliver over his truncheon to a wiser and firmer hand on the 4th of March, 1861.

This idea, painfully elaborated in 1861–65, does not appear to be simple and absolute in comprehension to-day. We should hardly expect that historical writers of the ability and varied experience of Goldwin Smith and H. C. Lodge would maintain now that the Union of 1789 was according to the former "a compact dissoluble at will," or as the latter says, involved "the right of practicable withdrawal from a mere experiment."[2]

[1] *Tribune*, November 9, 1860.

[2] Cited by D. H. C., *Proc. M. H. S.*, Series II, vol. xvi, 151–164.

This modern heresy has been sufficiently exploded in a long and thorough argument by D. H. Chamberlain.[1] One or two sentences kill the vagary.

No new fundamental theory of the relation of the States to the Union, or of the nature of the Union itself — whether a compact, or league, or confederacy on the one hand, or a perpetual, indefeasible nation or union on the other — has been enacted by law or constitution since 1789. In this respect the rights of the States, the rights and powers of the Union, are in law the same as they were one hundred and thirteen years ago.[2]

Mr. Chamberlain directly refutes the views attributed by Mr. Lodge to Webster, when he makes the latter appeal to the popular conception of the Union prevailing at the time of the Webster-Hayne controversy. Webster argued that "the Constitution originally created and was intended to create a perpetual and indissoluble Union." Webster further said, "a constitution is a fundamental law," [3] not a compact.

[1] Mr. Goldwin Smith replies courteously to Chamberlain in *The Sun*, August 9, 1903. He cites Madison, *The Federalist*, No. 43: "Should it unhappily be necessary to appeal to these delicate truths for a justification for dispensing with the consent of particular States to a dissolution of the Federal pact, will not the complaining parties find it a difficult task to answer the *multiplied* and *important* infractions with which they may be confronted? The time has been when it was incumbent on us all to veil the ideas which this paragraph exhibits. The scene is now changed, and with it the part which the same motives dictate." Mr. Smith says: "It is difficult to construe this. What I make of it is that the writer would fain have treated the Union as indissoluble, but feared to do it. . . . However, the difference between Mr. Chamberlain and me is historical, not practical. The practical question was settled by the war. The rupture was not at bottom either secession or rebellion. It was the natural breach between the free and the slave States."

[2] *Proc. M. H. S.*, Series II, vol. xvi, 153.

[3] *Ibid.*, p. 155.

Mr. Chamberlain proves also that the same theory in substance was held by the Virginians in 1789.[1]

To reach the origins of a theory of government which could so penetrate and saturate the powerful intellect of Daniel Webster, we must go back to the springs of colonial history. The most important political action, developing public spirit and communal feeling in early New England, manifested itself in the attack upon Louisburg, and in the victory wrested from the power of France. When the Grand Battery was evacuated, General William Pepperell reported to Governor Shirley, May 17, 1745, "I immediately ordered a Regiment there, the Union Flag to be hoisted." [2]

Another phase of this communal feeling declared in the word Union appears in a report from General Winslow, near Albany, to Governor Hopkins, July 27, 1756. "No junction Can be Admitted off, Unless the Provincial Officers hold their Proper Rank (according with British regulars) as we look upon our Selves only as Executors in Trust for the Provinces have sent you the Result and Protest." [3] Not the tea or sugar taxes, not the Stamp Act or taxation without representation, so affronted the colonies, as this insular arrogance of British officers, generally incompetent for their duties. Winslow and his companions, holding this deep feeling in trust for their brethren, are a significant proof of union sentiment. Similar instances might be cited from other parts of the colonial domain.

A "brief plan and scheme" for union was pub-

[1] *Proc. M. H. S.*, vol. xvi, 164.

[2] *Correspondence of the Colonial Governors of Rhode Island*, vol. i, 337.

[3] *Ibid.*, ii, 227.

lished in Pennsylvania in 1698.[1] Franklin's congress at Albany resolved unanimously "that a union of the colonies is absolutely necessary for their preservation." [2]

This immanent perception was a continental force possessing the nascent American consciousness, and it was simply revealed in the action of Pepperell, when he planted not a British or Massachusetts, but a Union symbol of conquest. It became a governmental function after Concord, Bunker Hill, and Yorktown. Washington, probably, did not forecast the Union of Marshall, but the familiar idiom became an urgent call for patriotism, as in his farewell words, "Your Union ought to be considered as a main prop of your Liberty." [3] Whether the fathers of the republic builded better than they knew, or whether they only set up the Union planks existing and falling ready to their hand, the result was the same as it worked itself out in the formation of the commonwealth, and in the growth of empire. Theories of state-building yielded to the glacial pressure of events; and differing political desires became one purpose in the inevitable prerogatives of a government, as it concentrated itself in the congress of representatives and in the delegated hand of the Executive, who finally held all the powers emanating from the people.

John Marshall did not create, he formulated [4] this magnificent idea, and, through judicial interpretation,

[1] Frothingham, *Rise of the Republic*, p. 110.
[2] *Franklin's Works*, Sparks' ed., vol. iii, 26.
[3] Memorial Tablet in Independence Hall, Philadelphia.
[4] Cf. *infra*, 35 n.

put into the common operation of constitutional law powers hardly apprehended by the deliberative Jefferson. This profound Union sentiment pervaded the North in the first half of the nineteenth century, and struggled in the Southern mind against the encroaching spirit of slavery. Very slowly, the disciples of Marshall and Jefferson yielded to the dominating logic of Calhoun[1] and the "fire-eating" constituency bred out of his loins. Though Jackson was not an ideal ruler, according to the canons of Aristotle or of Montesquieu, he was a sovereign out of the people, comprehending their aspirations and executing their will with rare integrity. Along with this old-fashioned kingly function went the persuasive energy of Henry Clay, sincerely amiable, ready to compromise all the coercive elements of government into any scheme for quieting the passion of the hour and for preservation of the Union. Patriotism, then, meant any concession, any sacrifice of a part, out of love for the Union or the whole; forgetting that this whole was gradually being invaded by that alien despot Slavery.

Beyond and above all these men, the Jovian intellect of Daniel Webster was lifted into the clearer atmosphere where John C. Calhoun sought to subject the Union to revolving States, attracted by the federal

[1] Calhoun swept away some prevalent notions of social contract as applied by the Virginian Tucker (*Commentaries on Blackstone*, 1803, vol. i, 187), holding that state sovereignty was indivisible; but he would protect the individual States from a threatened tyranny of the majority, by a curious analogy wrought out from the rights of property under the common law. "The federal government may have possession; the states have ownership; and they may at any time evict their tenant, or any one of the states may claim its share of the estate." Cf. Merriam, *American Political Theories*, pp. 266, 268, 283.

mass, but possessed and directed by slavery.[1] In his prime, Webster comprehended the inevitable destructive tendencies of the political philosophy of Calhoun. In his declining days, when love of the Union drove him toward compromise, and the anæmic influence of presidential ambition enfeebled his reason, that Olympian man wavered and finally died, overcome by the demons of the hour. But let it not be forgotten that he most of all maintained the Union spirit in the second quarter of the nineteenth century. Even the half-developed endogenous statesmen of the type of James Buchanan were formed on the models which the mighty hand of Webster shaped to their political consciousness. The Constitution interpreted by Marshall[2] was carried into the working process of government by the genius of Webster;[3] and his eloquent voice proclaimed the music of the Union to the farmer and the schoolboy.

If we would comprehend the political forces dominating the United States, — whether before or during the Civil War, — we must study the principles and practice of party organization with its functions, as repre-

[1] W. H. Russell, cited by Rhodes, vol. iii, 431, thus stated the Southern idea, when he was at Montgomery, May 6, 1861: "We hold that slavery is essential to our existence as producers of what Europe requires; nay, more, we maintain it is in the abstract right in principle; and some of us go so far as to maintain that the only proper form of society, according to the law of God and the exigencies of man, is that which has slavery as its basis."

[2] Cf. *infra*, p. 34 n.

[3] Webster sought out and in the clearest terms placed the final power of the federal government; not in the mosaic of States, but in the commingling elements of union. Not "by the people of the several states; it is as all the people of the United States, that they establish the constitution."

sentative government was developed. Much could be learned from the course of parties in the South, while slavery was subduing and moulding them into the unified body which seceded and warred upon the Union. But our inquiry lies mainly in the North, and we must trace there the whole scheme of party organization — in principle and practice — as it gradually acquired control of political action in the early nineteenth century.

Burke defined party to be "a body of men united, for promoting by their joint endeavors the national interest upon some particular principle on which they are all agreed." Perhaps this dictum was never more fully manifested than in the political action of slavery in the Southern States. It finally possessed itself of the whole community, politically, economically, and socially.

While party organization is inevitable, and is most active in democratic politics, it prevails more or less in every form of political society. As Bryce[1] indicates, the individual man puts himself forth, gets his will, and satisfies his political desires most completely in that association with his fellows known as a party. While government and even administration of any sort — despotic or representative — unifies and enforces the common will, party divides, and gives its individual members the only practicable means of setting forth the ideas of each one

[1] Ostrogorski, *Democracy and Political Parties*, vol. i, xl. Introduction by Bryce : "How did democracies get on without party ? Popular governments have within the last hundred years entered on a new phase marked by two remarkable facts. The number of participants in the business of government is immensely greater, and the method of participation is much more pacific."

in some form of action.[1] More elastic than any possible law or statute, the organization of party has been compared[2] to a tissue bringing the various powers of government into articulation with the action of popular sovereignty. It matters not that the new divisible spirit coalesces rapidly and gravitates toward a pressure only less compulsory than that of the State itself; yet there inheres the divisibility of the many, which differs essentially from the unity of all.

In this new development of the citizen the old methods of edifying and developing the individual man all had to be made available. State and Church, either or both, had struggled for the control of the individual, while rulers were striving always to get both sources of power into their own hands. There were some lines of religious and political division in the times when the English colonies were growing into future states. The doctrine of Roger Williams, entirely releasing religious opinion from state control, had made little headway before the American Revolution. But the most ardent Catholic in Europe, the sternest Puritan or fiercest Calvinist in America, would have claimed that the dogmas of his faith were his own within his church relation, and were not to be prescribed by any prerogative of the State. Parish and congregational meetings were crude methods of representation, but they were potentially democratic,

[1] "The autonomous individual is finally proclaimed (by universal suffrage) sovereign in the State. Left to himself in the political sphere by the emancipating process of individualism, and powerless in his atomistic isolation, he fastens on the old party groove. . . . A prejudice grew which attributed a sort of mystic virtue to the elective principle." — Ostrogorski, *Democracy and Political Parties*, vol. ii, 607.

[2] Ford, *American Politics*, p. 215.

and more effective than feudal survivals or burgher functions. Hence it was natural that the new privileges of the citizen should take on the forms of a higher law. There is reason for calling the party system in the United States especially an extra-constitutional function. Modern students [1] agree that the old obligations of creed and dogma, as enforced by ecclesiastical systems, were very like the new political faith, prescribed by the firm lines of party control.

Like all profound and gradual social movements, this greatest manifestation of popular force did not show itself immediately to the keenest observers in the United States. After the skirmishing between the Federal and Republican parties, the principle of organization marshaled its hosts in the discussions on slavery in 1820. Yet the sagacious Tocqueville was hardly conscious of this potential force in 1834. The highest form of party efficiency appeared in the presidential convention. American statesmen readily perceived the latent forces quickening this palpitating organism, fresh from the heart of the people. John Quincy Adams said,[2] "Here is a revolution in the habits and manners of the people. These meetings cannot be multiplied in number and frequency without resulting in deep tragedies. Their manifest tendency is to civil war."

Nothing could demonstrate more clearly the potential influence of these novel expressions of popular opinion. Calhoun thought the corruption of parties would drive people to force, i. e. war. But Mr. Ford [3] shows very well

[1] Von Holst, *Constitutional Hist. U. S., 1828–46*, p. 691, and Ostrogorski, *Democracy and Political Parties*, vol. ii, 615.

[2] *Memoirs*, vol. x, 352.

[3] *American Politics*, p. 303.

that the organization of parties became a conserving force, and long repressed the tendency of slavery toward its logical ultimate in civil war.

In 1831 and 1832 the caucus had grown into the convention, and before 1840 all elections were virtually initiated by party action. The South adhered longer to the English system of self-nomination by candidates, but it gradually fell into the American way of convening and representing the people through parties.

It is necessary to recognize the basis and the organic principles of American parties, to get at the true history of the Civil War. At intervals of patriotic enthusiasm citizens knew only one political motive, and parties delegated their individual members to a resumption of their higher and more direct allegiance to state and federal governments. These acts were momentary. As soon as the pressing occasion passed, individuals went back to their old political functions, as when they supported or opposed the administration of Lincoln through the customary efforts of organized parties.

Whether slavery produced abolition, or whether the hostility induced by the ethical nature of the institution begat a more positive and creative desire for its encouragement and extension, is hardly a political question. In fact, abolition never became a political issue. The abolitionists of 1830–40 did a great work in inciting the conscience of the nation to look within and set its political house in order. But Isaiah or Jeremiah never founded and maintained a kingdom. Garrison struggled as fiercely against the impregnation of America through the Union noted herein, as Yancey and his fellows. If there was no potent Union in those days, —

as Southern apologists assert, — why did he rebel against the Constitution as "a compact with Hell"?

The process of development was a breeding and an education on both sides. The economic and social growths were coming constantly into the political atmosphere, when fierce germs planted themselves in politicians, or sought larger and higher life in the great work of statesmen. Gradually the moral conviction of the North broke into political action, which was then repelled by the South as an unpardonable innovation. The South held the fortified positions — whether Whig or Democratic — and hence embodied the conservative spirit in politics.

Joshua R. Giddings, born in Pennsylvania in 1795, in 1842 offered a resolution in Congress that the Constitution did not authorize the recovery of slaves. The House of Representatives not only rejected this, but censured the mover by a vote of 135 to 69. The act was repudiated, and the motive of the actor was condemned; practical politics were beginning. His constituents reëlected and returned him triumphant. David Wilmot, born also in Pennsylvania nineteen years later, in 1846 carried through the House his famous Proviso, though it failed in the Senate. This bill for purchasing Mexican territory would have prohibited slavery therein. The would-be compromises of 1850 tended to bring slavery into immediate political action controlled by the individual voter. In like direction were the movements of Stephen A. Douglas for "squatter sovereignty," in 1854, culminating in the Lecompton constitution of Kansas. When actual control was usurped by "border ruffians," Douglas finally remonstrated against this form

of a plebiscite, saying, "All men must vote for the constitution, whether they like it or not, in order to be permitted to vote for or against slavery."[1] In theory, this superficial dogma of popular sovereignty appealed strongly to the people of the middle and northwest, accustomed as they were to frontier occupation and the ready formation of institutions at the will of the settler. It would have determined and disposed anew the functions of the United States government by giving the territorial citizens a prerogative not yet agreed upon either by the Union or the States. In practice, whether manipulated by the men of the Missouri border or by the followers of John Brown, it became a mere eddy in the great current of Slavery Extension.

Early in 1860,[2] representative men defined their positions in terms which the whole country could not fail to understand.[3] Douglas was especially significant, and parted company with his Southern friends, whom he had served so well by his great ability and his popular arts. "In the event of your making a platform that I could not conscientiously execute in good faith if I were elected, I will not stand upon it and be a candidate. . . . I have no grievances, but I have no concessions."

[1] Rhodes, *U. S.*, vol. ii, 283.

[2] Woodrow Wilson, *American People*, vol. iv, 200. In forming the Confederacy, Southern men "assumed that since each of their States had entered the Union of its own accord, as into a free partnership, and might have decided not to enter it, it was clearly within its privilege to withdraw when just cause for withdrawal seemed to exist."

Mr. Wilson's hereditary opportunity gives additional interest to his statements. The Southern case — as it then stood — is urged forcibly by him. *Ibid.*, pp. 188–198.

[3] *Ibid.*, pp. 429–433.

Abraham Lincoln, in a great speech in the Cooper Institute at New York, proved that Congress had power to prohibit slavery in the Territories. Confronting the open threats of disunion, he said: "Your purpose, then, plainly stated, is that you will destroy the government unless you be allowed to construe and enforce the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events."

William H. Seward made a firm but conserving and conciliatory[1] speech in the Senate, declaring: "Did ever the annals of any government show a more rapid or more complete departure from the wisdom and virtue of its founders? . . . I remain now in the opinion that these hasty threats of disunion are so unnatural that they will find no hand to execute them."

Lincoln and Seward spoke to a definite point. Jefferson Davis, February 2, had introduced resolutions in Congress to define the ground of the Southern Democrats. They contained the bald statement that "neither Congress nor a territorial legislature, by direct or indirect and unfriendly legislation, had the power to annul the constitutional right of citizens to take slaves into the common territories." Davis indicated also in guarded language that the Union would be dissolved in event of the election of a straight Republican to the presidency.[2]

[1] The abolitionists severely condemned this attitude of the leader of the Republican party. See in Rhodes, *U. S.*, vol. ii, 434, 435, a good account of the actual political performance of the abolitionists at this juncture.

[2] Southern men of advanced views had moved far away from the doctrines of Clay, or of Calhoun even. Gaulden of Georgia, a delegate in the Charleston convention, speaking there, was approved as a representative

Issues were becoming plain. Conventions put into effective form the various opinions North and South by nominating John C. Breckinridge, grandson of an author of the Kentucky resolutions of 1798; Stephen A. Douglas, a Democrat advocating popular sovereignty; Abraham Lincoln, a Republican out of the loins of the Western people. Finally, John Bell and Edward Everett, of Tennessee and Massachusetts, brought in the conserving Whig element and the fag-end of the Know-Nothing party, toward avoiding the danger of disunion. Lincoln was elected in November by a minority of the votes cast. As registered,[1] there were for Lincoln 1,857,610; for Douglas, 1,291,574; for Breckinridge, 850,082; for Bell, 646,124. The opponents combined had a majority of 930,170 over Lincoln. But these terms majority and minority were merely technical and formal. Under the constitutional system of electors, never lawfully disputed, he was chosen to the office of President, and was subject only to impeachment in event that he exceeded the prerogatives of that office.

The States we are considering particularly gave a

planter. "I am a Southern States-rights man; I am an African slave-trader. I am one of those Southern men who believe that slavery is right, morally, religiously, socially, and politically. I believe that the institution of slavery has done more for this country, more for civilization, than all other interests put together. I believe that this doctrine of protection to slavery in the territories is a mere theory, a mere abstraction. We have no slaves to carry to these territories. . . . I will show some darkies that I bought in Virginia [etc.], . . . and I will also show you the pure African, the noblest Roman of them all." This speech was circulated freely at the North, and convinced many — whom the abolitionists never had been able to touch — that there was a literal impending conflict. Rhodes, *U. S.*, vol. ii, 481.

[1] *Ibid.*, p. 500.

majority to Lincoln, but the opposition was heavy, as the following figures show: [1] —

	Lincoln	Douglas	Breckinridge	Bell
Massachusetts,	106,533	34,372	5,939	22,331
New York,	362,646	312,310 *		
Pennsylvania,	268,030	16,765	178,871	12,776
Indiana,	139,033	115,509	12,295	5,306

* By fusion of the opposition.

There was no lack of vigilance or prompt action on the part of South Carolina. Her Governor Gist on the 12th of October, immediately after Pennsylvania and Indiana had indicated the probable outcome of the presidential contest, called the customary session of her legislature to appoint presidential electors. But he gave new exegesis to this function of a state government, conveyed in the unusual intimation that some action might be necessary "for the safety and protection of the State." [2] The legislature met November 5, the day before the national election, and Governor Gist recommended that if Lincoln be elected, provision should be made for an immediate convention to sever the connection of South Carolina with the federal Union.

We cite these passionate acts, not to condemn the actors, but to show the inevitable doom hanging over the American States. If ever fates of the Grecian type dominated mankind, it was in these crucial days of 1860–61. The long, deep and subtile process of educating an imperial Union — we have tried to set forth — did not affect the political consciousness of generations bred in the torrid airs of cotton increase and slavery extension. The judicial Marshalls, the

[1] McClure, *Our Presidents*, p. 175.

[2] Rhodes, *U. S.*, vol. iii, 115 *et seq.*

executive Jacksons, the constitutional Websters, had passed away; the political exemplars of the South had come to be another sort of guides and chieftains, whom Calhoun's spirit led along paths unknown historically, and even more uncertain in their political tendencies. The dogma of State-Rights was meeting the growing conviction of the opponents of the extension of slavery. The fatal transit of these political bodies bent the stars of destiny to new courses, which were to immolate hundreds of thousands of lives, and to carry destitution and misery to almost all the homes of the Southern States.

This atmosphere of opinion and feeling was essential to the time. If Northern-bred Americans like Henry Cabot Lodge do not know now that there has been a Union for more than a century, it was not strange that Davis or Stephens, Yancey or Pickens, ignored the fact in 1860–61. Brave to a fault, patriotic according to their inherited tendencies, they had come into one idea possessing all and overshadowing all the ordinary life of a citizen. As they viewed it, all the economic with the prevailing social forces of the time united to induce one political motive in the citizen, and it was directed by slavery. If their social and political institutions could not rule a federal Union, then the seceding and confederated States would make and mould not only a new government, but a new country, where master and slave should develop a civilization all their own. The occasional talk about tariffs or free trade was unsubstantial, for the Confederacy enacted the tariff of 1857 at once.

The terms conspiracy, treason, traitor, which so

affected the North in these days, have been gradually discarded by sober historians, in setting forth the idea of secession. Mr. Rhodes [1] shows clearly that the movement was too large and organic to be embraced in the functions of an ordinary conspiracy. Though the honor of each individual officer of the United States may be fairly questioned while he was virtually playing into the hands of the incipient Confederacy, there was not a mere conspiracy for revolt in the ordinary sense. There was a great upheaval of the foundations of society, political and social; individuals were agitated and hurried along by it, until each became another citizen, with a new impulse to loyalty.

Like all idealists, the men of the Confederacy conceived their own position to be superior in elevation, and their principles to be absolute and not assailable. The abolitionists and "fanatics" of the North might err and pervert a political opportunity, but the South must be single-minded in pursuing its rights, and it alone could suffer grievance under the pressure of a consolidated government. This absolute passion revealed itself during the manœuvres for compromise in the winter. The South was entirely sincere in this increasing isolation of political conviction.[2] It mattered not what the outside world wanted; it wanted this, and asked only to be let alone.[3] South Carolina led but did not create this controlling passion. It spread, devouring as it went, until it touched the boundaries of Maryland and

[1] See the arguments of Alexander H. Stephens, cited by Rhodes, *U. S.*, vol. iii, 210.

[2] *Ibid.*, p. 278.

[3] Cf. Burgess, *Civil War and the Constitution*, vol. i, 76, 77, on Rights of Sovereignty and of Revolution.

Kentucky; nor did the border States escape the political effects of the contagion.[1]

A book might be devoted to the strange, misdirected, and contrary love of union [2] which was manifest in the Northern cities during the winter of 1860–61. The party of secession, with deadly purpose, wasting neither time nor effort, went straight to the heart of the matter.[3] The conduct of the leaders of opinion in the North was quite different. I have described the positive overwhelming force of Union sentiment prevailing in the second quarter of the nineteenth century, as it affected men like Andrew Jackson and the early, self-possessed Daniel Webster. This latent force, as it showed itself after the election of Lincoln, worked in a different way. The savers of the Union then seemed to believe that it could be preserved only by allowing its destroyers any license possible in a modern government. It will be interesting to discuss several types of these men, both for the effects of their immediate action and in view of the fact that the most of them afterward became ardent supporters of the administration when war actually broke out.

[1] If Bell and his followers in Tennessee and North Carolina could have imitated the loyal men in Kentucky, and could have remained firm in the cause of the Union, which they fancied they held preëminent, the results would have been great and far reaching. Whatever the outcome of secession, the peculiar power of a united Confederacy would have prevailed only in the "Cotton States."

[2] Even in the cool afterthought, when he wrote his *American Conflict*, Greeley said the Southern Confederacy had no alternative to an attack on Fort Sumter "except its own dissolution." Fortunately, the intuition of the Northern people as a whole proved to be a better interpreter of constitutional law than was the disputatious pen of Greeley.

[3] Burgess, *Civil War and the Constitution*, vol. i, 135.

Daniel E. Sickles was a good example of a politician and soldier of fortune. He said on the floor of Congress, December 10, 1860: "In the event of secession in the South, New York city would free herself from the hated Republican Government of New York and throw open her ports to free commerce." [1]

Perhaps no man better represented the Democracy of the North in intellect and character than Charles O'Conor, who was beloved by all his fellow-citizens. He said at a great Union meeting in New York, December 19, 1859: "Involving the fate of our Union, is negro slavery unjust? . . . I insist that negro slavery is not only not unjust, but it is wise and beneficent." [2]

James S. Thayer, a most respected Old Line Whig, at a meeting for peace at New York in the winter we are discussing, said: "If the National Administration shall attempt the line of policy that has been foreshadowed [i. e. enforcing laws in the seceded 'States'], we will reverse the order of the French Revolution, . . . by making those who would inaugurate a reign of terror, the first victims of a national guillotine." [3]

Similar utterances were made in other cities, especially in Boston and Philadelphia.

The old-time saver of the Union was moved by passion rather than by reason, in this emergency; but the angry trouble oppressed all classes of citizens and involved every shade of opinion. The question forced on every citizen of the United States in the critical months following the election was, Shall the seceding States be

[1] Cited by Burgess, *Civil War and Constitution*, vol. i, 147.
[2] Von Holst, *Constitutional Hist. U. S. 1859–61*, p. 56.
[3] Burgess, vol. i, 148.

allowed to go, or compelled to stay? This puzzle was embodied in the word coercion. Few persons in the South actually believed that the substantial power of the North would be brought to bear in compelling the seceding States back to their allegiance. As we have indicated, officers and trustees of the Union, like James Buchanan, could see only that States could not go, but must not be made to stay. Before the minds or the conscience of the Northern people — whether Republicans or Democrats — could be cleared and crystallized for action, immense effort had to be made.

Northern Democrats or old Whigs, who had been carried like Seward, Chase, Trumbull, and Lincoln into the Republican party, — as against the extension of slavery, — now underwent a separating process that we may call political polarity. The Union-savers of this critical winter seemed to themselves to be animated by one political purpose, as they scanned the horizon line of the United States in those days. As they looked across the dark sea of this constitutional Union, lighted as it was by flashes of insurrection, and shaken as it was by the far-reaching thunders of rebellion, they perceived, as they fancied, one visible, sensible horizon. But there is a deep, compelling force in political polarity. The limits of a political horizon are not the same for the positive and negative political poles which subsist in every statesman. One set of positive conditions affecting the statesman ascends to a zenith and culminating point of political conviction, where the forces of order fuse all concentrating elements into one spring of government — into the essence of fidelity and loyalty.

The other set of conditions — negative and disintegrating — descends to a nadir of rebellion and revolution. It matters not how good the intentions of a self-conscious patriot may be when he starts on this descending path. The course of disorder polarizes him, converting his doubtful, embracing limitations into constraining bands, which warp his movement, until his course ends at the nadir of the rebel and revolutionist. Such was the implacable current of rebellion, as it drove the Northern sympathizers from their shifting stools of old party allegiance and conservative Unionism, to the encouragement and support of a formidable rebellion in the Southern States. James Buchanan, as we have indicated, was only half evolved when he handed over the bedraggled Union to his successor in office; while his hinder parts had been wabbling towards Yancey, Toombs, and the fire-eating promoters of rebellion.

It is the merit of Edwin M. Stanton that his fierce intuition saw the issue and recognized the point of polarity, thus perceiving the political necessity for separating the elements; one stream of which should fight for the Union, while the other must end in coöperate support of the rebellion. He was Attorney-General, and the crisis was precipitated in the cabinet, December 29, 1860, when Floyd [1] the secret rebel and Buchanan the maudlin sympathizer would have ordered Anderson from Fort Sumter, which was the new position of the aggressive Union, back into Fort Moultrie,

[1] The Secretary of War, who posted United States troops to accord with rebel strategy and placed arms convenient for seizure. This generation can hardly comprehend that this peaceful negative posed in the cabinet as a Union-saver in the early months of the rebellion.

which was the insecure post of old constitutional Unionism.

The last Facing-Both-Ways was sloughed off when Black [1] left his maze of constitutional quibbles, while Stanton and Dix rallied to the front. In Stanton's own words to his brother-in-law when Floyd resigned, "One by one the secessionists have been worked out. We are now a unit. Who will come into the present vacancies is uncertain." [2] The path thus opened carried Douglas, Grant, Sherman, Thomas, Logan, with thousands of the best fighting Democrats of the North, to the zenith of the Union. This irresistible polar current turned another set downward, carrying Vallandigham, Seymour, Fernando Wood, the Sons of Liberty, and other halting doubters to the depths of revolutionary discord, in spirit, though their pusillanimous bodies skulked under the American flag.

In this winter of discontent two great movements — one in the course of legislative action, the other in the form of an informal representation of States, known as the Peace Convention — were initiated to stem the tide of disunion. The Congressional movement toward definite legislation for compromise was led by Crittenden of Kentucky, well fitted for the task by experience and by his life-long political connections. A committee of thirteen was appointed in the Senate to

[1] Black put forth the extraordinary doctrine that "the Union must utterly perish at the moment when Congress shall arm one part of the people against another for any purpose beyond that of merely protecting the general government in the exercise of its proper constitutional functions." He evolved a positive constitutionalism, which could end only in the negation of the Union — born long before the Constitution was conceived.

[2] Cited by Gorham, *Stanton*, vol. i, 159.

facilitate the passage of the Kentucky statesman's measure, consisting of Powell of Kentucky, Hunter of Virginia, Crittenden of Kentucky, Seward of New York, Toombs of Georgia, Douglas of Illinois, Collamer of Vermont, Davis of Mississippi, Wade of Ohio, Bigler of Pennsylvania, Rice of Minnesota, Doolittle of Wisconsin, and Grimes of Iowa. The formation of the committee shows all the American skill in organization; it was representative, able, and patriotic; its deliberations and endeavors [1] reveal the springs of the whole trouble, and exhibit the inevitable nature of the conflict. The committee met December 21, when the news came that South Carolina had passed her ordinance of secession unanimously on the 20th.

If compromise had been possible, the movement of Crittenden would have accomplished it. Moderate men of all parties at the North desired to avoid war by any means. Commercial derangement had induced severe financial pressure, and the trading classes desired any settlement which would bring peace out of the political agitation. But the main body of the Republicans [2] felt that no practicable concession would turn back the tide of rebellion. Lincoln was disposed to yield largely, until it came to the further extension of slavery in the Territories, which he resisted absolutely. He wrote, December 11: —

> Entertain no proposition for a compromise in regard to the extension of slavery. The instant you do, they have us

[1] Rhodes, *U. S.*, vol. iii, 151–155.

[2] C. F. Adams wrote, February 11, 1861: "My apprehension has been that the Crittenden measure would find favor among our friends. At one time there was a little danger of it. There is little or none now." — Cited by Rhodes, *ibid.*, p. 288.

under again; all our labor is lost, and sooner or later must be done over. . . . The tug has to come, and better now than later. You know I think the Fugitive Slave clause of the Constitution ought to be enforced — to put it in its mildest form, ought not to be resisted.[1]

The Crittenden compromise failed. The other great attempt to avoid war was initiated by Virginia, the foster mother of the Union, and the eldest child in the family of the States. Her general assembly invited the other States, whether slaveholding or not, to send commissioners to meet in convention at Washington, Februáry 4, 1861, to try "to adjust the present unhappy controversies." Virginia gave formal notice that she would accept the Crittenden compromise. Twenty-one States were represented, leaving out the seven cotton States, Arkansas, Michigan, Wisconsin, Minnesota, California, and Oregon.

On the same day, at the call of South Carolina, six cotton States, by delegates, met at Montgomery, Alabama, and formed the Southern Confederacy. Jefferson Davis was elected President, and Alexander H. Stephens Vice-President, of the new government.

The Peace Convention was composed of men of high character and fine ability, and was presided over by ex-President Tyler. Its debates and action were along the lines of the Crittenden compromise. On the morning of March 4, Crittenden offered in the Senate the project of the Peace Conference; which received in the vote only seven yeas, including Crittenden, Douglas,[2] and

[1] Nicolay and Hay, vol. iii, 259.

[2] Douglas's appeal for peace, made in Congress January 3, was eloquent, though his arguments were hardly sound: "I do not, however, believe the rights of the South will materially suffer under the adminis-

two Republicans. Zachariah Chandler of Michigan perhaps expressed the conviction of positive minds North and South. "The whole thing [i. e., the convention] was gotten up against my judgment and advice, and will end in thin smoke." [1]

The compromise and peace movements were the well-meant misdoings of a type of excellent people, who never can comprehend a crisis or act with decision in grave affairs. They have their say, and do not have their way. On this occasion, their peaceful intentions had full weight, while stronger men vainly tried to secure representation for their ideas. Not only did the Northern supporters of Douglas, Breckinridge, and Bell labor for compromise; the veteran political manager of New York, Thurlow Weed, matured a plan which would restore the Missouri line in territorial extension. He urged it in December "with cogent reasoning, the result of profound reflection irradiated by his long public experience. It was a bold step for a partisan Republican to take." [2] William H. Seward at this time was the most popular member of the Republican party, and he appeared to favor compromise, however he may have voted.[3] Henry Ward Beecher had a large following, and with characteristic flippancy he answered the

tration of Mr. Lincoln. But this apprehension has become wide-spread and deep-seated in the Southern people. . . . In my opinion, South Carolina had no right to secede; but *she has done it. Are we prepared for war?* I do not mean that kind of preparation which consists of armies and navies and supplies and munitions of war; but are we prepared *in our hearts* for war with our own brethren and kindred? I confess I am not. I prefer compromise to war. I prefer concession to a dissolution of the Union." — *Congressional Globe*, Appendix, p. 38.

[1] Cited by Rhodes, *U. S.*, vol. iii, 307.

[2] *Ibid.*, p. 145.

[3] *Ibid.*, pp. 157, 164, 174, 288.

prevailing question, about the end of November, as to whether the South would secede, "I don't believe they will; and I don't care if they do."[1]

But this careless optimism did not represent the American people. There were deep forces, impelling large principles beneath the surface; and these currents swayed thinking men, whether North or South, as the tide swept on. We may well study two utterances, which interpret the signs of the time, as revealed to the two sections of our country. Jefferson Davis said in the Senate, December 10, 1860: —

> Say so, if your people are not hostile; if they have the fraternity with which their fathers came to form this Union; if they are prepared to do justice; to abandon their opposition to the Constitution and the laws of the United States. Give us that declaration . . . then we may hopefully look for remedies which may suffice; not by organizing armies, not so much by enacting laws, as by repressing the spirit of hostility and lawlessness, and seeking to live up to the obligations of good neighbors and friendly States united for the common welfare.[2]

James Russell Lowell wrote and published in January, 1861: —

> The fault of the free States in the eyes of the South is not one that can be atoned for by any yielding of special points here and there. Their offence is that they are free, and that their habits and prepossessions are those of freedom. . . . Our very thoughts are a menace. It is not the North, but the South that forever agitates the question of slavery. The seeming prosperity of the cotton-growing States is based on a great mistake and a great wrong; and it is no wonder that they are irritable and scent accusation in the very air.

[1] Rhodes, *U. S.*, vol. iii, 139.

[2] *Congressional Globe*, p. 29.

It is the stars in their courses that fight against their system, and there are those who propose to make everything comfortable by act of Congress.[1]

Statesmen and preachers, jurists and politicians, journalists and men of affairs, — all wrought with might and main through this winter, to bring the North to accept any result, rather than a stern decree of war. Although not apparent at the time, the greatest influence in all this seething turmoil of national forces was in and through the personality of Abraham Lincoln. Taken as candidate for the presidency because he could most surely carry the elections,[2] and moreover because some friends of Seward, in their secret consciousness, feared his jaunty good nature in administration, even if elected, Lincoln was little known by most of his supporters throughout the North. But gradually, after the election, the nature of this man of destiny asserted itself, and began to affect the more thoughtful citizens of the North. Politicians, who expected a neutral chieftain, to be moulded and handled by the old leaders like Seward or Chase, were soon disappointed by the large qualities they discovered in the man himself. Certainly, Thurlow Weed was a competent judge of American statesmen, and he very early recorded his impression [3]

[1] Rhodes, *U. S.*, vol. iii, 149.

[2] McClure, *Our Presidents*, p. 155.

[3] December 22, 1860. "An interview with Mr. Lincoln [at Springfield] has confirmed and strengthened our confidence in his fitness for the high position he is to occupy. . . . The American people will not have cause, so far as the head and heart of Abraham Lincoln are concerned, to regret the confidence they have reposed in him. He is not only honest and true, but he is capable — capable in the largest sense of the term. He has read much and thought much of government. His mind is at once philosophical and practical. He sees all who go there, hears all they have to say, talks

that the true ruler of the future Union was then in the humble homestead at Illinois.

Popular government has been a constant and fertile theme for statesmen, as well as demagogues. Yet few men have actually grasped the principles which reach from the deep sources of popular conviction to the heights of executive control and administrative action. It is true that the people are the source as well as the instrument of power; and in a government like ours, no leader can carry them forward unless he is actuated by principles large enough to comprehend the whole trend of popular conviction and action. Weed indicated the method of Lincoln, which was to saturate himself with information direct from the representatives, if not the agents, of the people. Douglas, with all his political tact, did not comprehend the governing force of the people as clearly and completely as did Abraham Lincoln, born and bred in the great middle West. Mr. Seward was a statesman of considerable force and of the largest experience. He was writing home early in December, "No one has any system, few any courage or confidence in the Union in this emergency." [1]

The lucid idea which should dissipate the fogs and clarify the political atmosphere was lacking in all the varied efforts of the varying men who tried to compromise between South and North during the winter. The house was divided against itself already; how was it to stand without reverting to the original foundations? And those foundations, as has been shown, were in the

freely with everybody, reads whatever is written to him, but thinks and acts by himself and for himself." — Cited by Rhodes, *U. S.*, vol. iii, 305.

[1] *Ibid.*, p. 157.

Union, which even Mr. Seward could hardly discern in this doubtful moment.

It took but one idea to penetrate this mass of hesitancy and contradiction; and that one must be unifying and controlling. Lincoln, shut away in an upper room of a shop in Springfield, perceived that something had happened in November. After forty years of debating by Webster and Calhoun, by Clay and Douglas, the question had been submitted to the people. All shades of opinion had been represented at the polls, by Breckinridge or Bell, by Douglas or Lincoln. The verdict was given, and slavery was found wanting. This was politics and history in one action. The technical Union-savers forgot that the people had spoken. Lincoln never forgot it; and the people, in all the trials of the Civil War, remembered him, their chosen agent. All theoretical exposition of law and constitution, privilege of secession, power of coercion, right of appeal to arms, gradually faded away in the white light of union, where alone could a solid and capable government be conceived of or maintained.

Communicating with Kellogg and Washburne in Congress, Lincoln spoke[1] in the clear tones of a statesman. To the latter he said, December 11: "Let that be done [restoration of the Missouri line], and immediately filibustering and extending slavery recommences. On that point hold firm as a chain of steel." Even more significant was his language to John A. Gilmer of North Carolina, when he was trying to bring him into the cabinet as projected, in a sincere effort to draw the latent Southern-Union sentiment — not yet overwhelmed

[1] Rhodes, *U. S.*, vol. iii, 161.

by secession — to the support of his future administration. December 15 Lincoln wrote: —

> On the territorial question I am inflexible. On that there is a difference between you and us; and it is the only substantial difference. You think slavery is right and ought to be extended; we think it is wrong and ought to be restricted. For this neither has any just occasion to be angry with the other.[1]

Mark the words "only substantial difference." All past rights of holding slaves, whether at home in South Carolina, or fugitive in Massachusetts,[2] Lincoln pledged himself to maintain with all the executive power, and he besought the legislature through the winter to make those rights in every way secure. Here was no threat against the institutions of the States of the South. Every pretense of wrong and spoliation, on which the Southern statesmen were building up secession, was swept away, in so far as it affected the accrued rights and privileges of those States. But the extension of those rights had been cut off positively, by vote of the whole people. As he signified in many forms of expression, it was useless to go over that ground again, whether in peace or war. I am not rehearsing these arguments merely to rebuke secession, but to bring out the historic sources and the genesis of the Union.

No one inheriting the potent logic of Calhoun or the persuasive suavity of Clay could perceive more clearly

[1] Rhodes, *U. S.*, vol. iii, 161.

[2] Woodrow Wilson, of competent authority, born in Virginia, says: "The Republican party had indeed always and with all proper emphasis disavowed any wish or intention to lay any hand of molestation or change upon the domestic institutions of the South itself." — *American People*, vol. iv, 190.

than Mr. Lincoln that this sublime difference must be met, even if the issue were in blood.[1] We are not arguing the main point with the South. The question is too large for a paragraph. But the position of Lincoln at this instant was significant and momentous. This principle of non-extension of slavery, adopted by the people, was one of the staying props which went down to the bed-rock of the Union. It was such power in the man Lincoln, of grasping these mastering principles and holding them through victory or defeat, which distinguished him among politicians and leaders of the nineteenth century, and will make him one of the chosen men of all time.

[1] Lincoln said simply in his inaugural: "No State of its own mere motion could get out of the Union." Davis had said in his inaugural that secession was based on "the American idea that governments rest on the consent of the governed, and that it is the right of the people to alter or abolish them at will, whenever they become destructive of the ends for which they were established." Let us define the sources of this proposition, according to disinterested authorities. W. K. Clifford says of duty in the public sense: "Duty to one's countrymen and fellow-citizens, which is the social instinct guided by reason, is in all healthy communities the one thing sacred and supreme." Probably the Southern statesmen, in their sober moments, would have absolutely repudiated the Jacobin idea in all government. Yet they were complete Jacobins in their acts of secession. "It is precisely this idea of divinely appointed, all-pervading obligation, as the paramount law of life, that contemporary *Jacobinism* holds in the greatest abhorrence, and burns to destroy."

CHAPTER II

THE EXECUTIVE CRISIS

WE have traced the growth of Union sentiment through its first adumbrations and symbolic images in colonial time to its inevitable manifestation in welding the differing States into a coherent whole after the revolutionary contests. The half century or more ensuing was dominated, in this higher region of popular polity, more by sentiment than thought, more by feeling than opinion. John Quincy Adams, "the old man eloquent," might struggle manfully for the right of petition, but the mass of the state — while the sway of Union was dormant — was drifting surely toward the new element of control as exercised by slavery. Yet Webster's great phrase, "keeping step to the music of the Union," [1]

[1] Woodrow Wilson says (*American People*, vol. iv, 201) that in 1860 the South had kept "to the first conception of the Union. . . . For a majority of the nation no conception of the Union was now possible but that which Mr. Webster had seemed to create and bring once for all to their consciousness." Mr. Wilson's statements are always fair, and entitled to consideration; but this expression indicates the mental condition prevailing at the South. That phrase "seemed to create" is a fair example of the process undergone by every intellect once befogged by slavery. Could any philosopher or jurist, even a Webster, *create* such an overpowering force in government, the resultant sum of all the arts of civilization? Did Webster create the enormous power of Marshall as brought by his tremendous reasoning force to the elucidation of the inevitable powers of government involved in the Union of the Constitution? "Marshall included not only the powers expressed in the Constitution, but those also which should be found as time unfolded to be fairly and clearly im-

involved the inheritance of the past and the feeling of the moment. The great ground-swell of popular conviction invoked by this master of expression in his time held the consciousness of the American people, even while the process of disintegration wrought by slavery and cotton was going forward. That phrase of Webster's was more than a figure of speech, inasmuch as it brought the average citizen into accord with a principle so profound, so thoroughly in harmony with the creative forces of the state.

Philosophical publicists, foreign observers, or sciolists naturally could not comprehend this, the greatest of the forces that was building up the American nation. They consulted constitutions, adjusted technical points, noted lapses and faults, thinking they had set forth the American future in the light of past experience. Generally they predicted failure for democracy in its American form. Fortuitous circumstances, as they claimed, had enabled an endogenous government to maintain itself in the absence of hostility, and consequently adverse conditions would bring disaster. The inner process we have been sketching, hidden as it was, lay beyond and beneath their ken. Prior to 1861–65, who could perceive the enormous forces, latent and mighty in a popular will, born out of the new conditions of

plied in the objects for which the federal government was established. . . . It was Marshall's strong constitutional doctrine, explained in detail, elaborated, powerfully argued over and over again with unsurpassable earnestness and force, placed permanently in our judicial records, holding its own during the long emergence of a feeble political theory, and showing itself in all its majesty when war and civil dissension came, — it was largely this that saved the country from succumbing in the great struggle of forty years ago, and kept our political fabric from going to pieces." — Thayer, *Life of Marshall*, pp. 58, 59.

America and trained by destiny to meet continental issues?

Much was made of the fact that Lincoln was elected by a minority of the votes cast.[1] But such quibbling over the terms major and plural can hardly reach the actual nature of instituted suffrage. It was the boast of America that her instituted privileges so fettered and obstructed the individual votes that, in simple majority, they never could get at an institution and overthrow it without long and tedious legislation by accumulating majorities. Checks and controlling balances were essential to the system. As well object to much of the past legislation, when in the Senate a minority of voters in a majority of States brought about change, or in the House of Representatives, when the lesser number electing Smith, Brown, and Jones outclassed the majority, who had elected Robinson and Tompkins. Or object that a minority of able-bodied six-foot men had been outvoted by five-footers, cripples and sick, who could not muster with bullet and bayonet against the stronger men making the minority, and beaten by civic organization.

The great method of modern government, unknown to Greece or Rome, had established the fixed principle that representation was more essential than numbers; that constituted right went beyond major strength of the moment in the every-day work of legislation and of government, where the masses could not act directly, but must be represented.

The only possible means of electing a President in this republic was by a majority of electoral votes, or if that failed, by a vote of the House of Representatives under

[1] Wilson, *American People*, vol. iv, 190.

prescribed conditions. To say that a man elected might transgress and infringe on a State or citizen, thus vitiating an election which was past, was to beg the question beyond all historic experience. In the campaign of 1860, roughly speaking,[1] one vote was thrown for Bell, one and one third for Breckinridge, two for Douglas, and three for Lincoln. Would the principle of representation have been changed essentially if one half of Douglas's votes, or all of Bell's and a few more, had gone over to Lincoln? It was the Breckinridge minority which like Aaron's rod absorbed the whole South,[2] and deflected a portion of the North to support the Southern Confederacy in war. It did not require a majority to cause civil war, such purists should remember, if they must have a popular majority for President. As Lincoln put it at the Cooper Institute in the winter, these gentlemen were bound to rule or ruin. The party which could not muster any technical majority for making slavery the main function of the American Union could drag the country into a war that shocked all humanity. Does any sane student of history imagine that the course of events would have been changed substantially, if Bell's old constitutional Whigs or some of Douglas's squatters had thrown their votes for Lincoln in November, 1860?

Whatever grievances on account of the restricted and confined institution of slavery the Confederate States had cherished against the people of the North, they did not seek redress in the world's tribunal. They did not ask more of the civilized world than overwhelming majorities at the North had offered them again and

[1] Cf. *ante*, p. 17.

[2] Wilson, *American People*, vol. iv, 208.

again. Jefferson Davis in his inaugural address said: "'As a necessity, not a choice, we have resorted to the remedy of separation.' With remarkable astuteness he made not the slightest allusion to slavery. By a section of the provisional constitution, the African slave-trade had been prohibited. Thus did the cotton States and their president show that the public opinion of Christendom must be taken into account."[1] For better or for worse, the people of the South had thrown aside their inherited share of the American Union, and had attempted through secession to establish a revolution, and to place the dogma of State-Rights on the economic institution of Slavery, seeking a new political development. In spite of conventions for separation and negotiations for peace, the Union existed, and inaugurated its President on the 4th of March, 1861. The politician and representative of the Republican party, the statesman of Illinois, now became by right the President of the United States; it was a right seriously disputed. In assuming the office, the man appealed to this larger constituency and to the world. We must consider the man.[2]

Abraham Lincoln came, perhaps, more directly from the people than any man who has ever played a great part in history. It was not merely that his mother, an excellent woman, was of humble birth, and that his father was a shiftless settler in Kentucky, descended from Pennsylvania Quakers, living in the narrowest

[1] Rhodes, *U. S.*, vol. iii, 293.

[2] I have read much of Lincoln. The accounts are well summed up by Mr. Rhodes, vol. ii, 308–314, with a list of authorities at p. 313. Again, vol. v, 144.

circumstances poverty could provide. His whole culture, growing out of the conditions of his life, was popular, both in a narrow, material view, and in the largest intrinsic and spiritual sense. He drew from the instant breath of the people inspiration that lifted him far away, while it strengthened the ties binding him to the common souls he loved.

From somewhere back of his father, or more probably from his mother, he inherited his massive intellect. Born in 1809, after seven years in Kentucky his youth was spent in Indiana, and the man of twenty-one removed to Illinois. At intervals he had passed one year in school. When nineteen years of age he went to New Orleans in a flat-boat, and made a second trip in his early manhood; there was no larger school than the river voyage in those days. His capacity to lead is shown in that he was elected at twenty-three years to be captain in the Black Hawk war, freely and without solicitation. Drifting from one occupation to another with little success, always reading eagerly and studying law by the way, he began practice at twenty-eight. The Western lawyers then handled the court with one hand and politics with either hand. Hundreds of Americans have passed through a similar experience, limited by poverty, yet impelled by ambition[1] to lift their conscious capacity to eminence. Wherein was the characteristic greatness of Lincoln?

[1] Lincoln's ambition, never buoyant, subjected him to severe fits of depression, in periods of failure. As when he said to his close friend and partner, Herndon: "I have done nothing to make any human being remember that I ever lived. To connect my name with something that will redound to the interest of my fellow-men, is all that I desire to live for." — Herndon, *Life of Lincoln*, p. 217.

Education has been termed "the unfolding of the whole human nature." No one ever illustrated this truth more fully than our lank and lofty son of Kentucky.[1] Surveying the land as well as chopping for its fences, he was forced into mathematics, where six books of Euclid laid the foundations of a logic which could grapple with Taney or Douglas, Davis or Seward. Burns was the effective poet of that generation, and Lincoln's sympathies were touched by the popular lyrist. But the very own books of the man were the Bible and Shakespeare. While the current religiosity of his Baptist and Methodist neighbors repelled him, the humanity of Scripture drew out his largest nature.[2] This was not common in the Hebraic and Calvinistic atmosphere of that region. Eggleston has set forth plainly the religious culture of Indiana and Illinois[3] in the time of Lincoln's youth. Men like "honest Abe" — as he was called at twenty-four years — and Oliver P. Morton, gifted with large perceptions, could rise out of the local mists and inhale the inspiring, wholesome currents of the Christian civilization of the world.

It was fortunate that beyond Paine and Volney, while his mind was testing systems, human and divine, he came under the influence of the great iconoclast of New England, Theodore Parker. This preacher and publicist

[1] "While Mr. Lincoln was an uneducated man in the college sense, he had a singularly perfect education in regard to everything that concerns the practical affairs of life. His judgment was excellent and his information was always accurate. He knew what the thing was. He was a man of genius." — C. A. Dana, *Recollections of the Civil War*, p. 182.

[2] His partner said that he was filled with the spirit of natural religion, but had no faith in forms. Herndon, p. 538.

[3] Cf. *infra*, p. 142.

never could have furnished Lincoln the constructive faculties to build a new Union, as the breaking timbers of the old one were falling around him. But his logical force and its influence were profound. In all modern dialectic, Lincoln could not have found a more trusty Ithuriel spear to puncture and rend the false growths Slavery had wrought into the political development of the forties and fifties of the nineteenth century. There were certain large principles affecting these shifting, political tendencies, as Slavery pushed its remorseless way through the yielding mass. Webster, even, did not grasp these deep-going roots of popular and constitutional government more firmly, or hold them with a stronger hand, than this homely student as he pored over his circumscribed learning in the intervals of his pleading and story-telling.

Libraries stimulate, a book educates. Lincoln may have lacked in the experience of Greece and Rome and in the lessons of European history, though Shakespeare in some measure corrected those defects. And we are coming to learn, through the statutes of Hamurabai and other Babylonian records, that Moses, the Psalmist, and Isaiah drew from deeper wells of human wisdom than were known to our fathers.

Object teaching is known to be a positive power. The common law taught our student the new out of the old, whether he was interpreting it in a formal court-room, or to the critical audience of a bar-room. He avoided the whiskey and tobacco prevailing everywhere; yet he was ever welcome in this mob, constantly exhaling raw wisdom and radiating sagacious humor. Out of this restless mass of mankind he formulated a principle that

"the great leading law of human nature is motive."[1] His story-telling is historic; but his use of story went far deeper than the purpose of the most strenuous novelist. Douglas recognized the power of the man when about to meet him in their great debates. "He is the strong man of his party — full of wit, facts, dates, and the best stump-speaker, with his droll ways and dry jokes, in the West. He is as honest as he is shrewd; and if I beat him, my victory will be hardly won."[2] His opponent knew and respected him, while sciolists were laughing at the gaunt retailer of aphorisms.[3]

Though Judge Douglas used the word, the mind of Lincoln seldom discharged wit. Such a mind did not work readily in that unhuman atmosphere where hard gleams of truth are stricken forth as from flint or steel or diamond or glass. That assemblage of ideas, — whether in resemblance or contrast, — the play of intellect, fascinating the great wits of the world, did not attract the Hoosier transferred to Illinois. Wit shocks, humor touches our fellows and our kind. Humor penetrates the individual and separable, outflowing into those humane currents of feeling, mournful or funny, where people unite and move onward into larger streams of

[1] Herndon, *Life of Lincoln*, p. 597.

[2] Forney's *Anecdotes*, vol. ii, 179.

[3] "Not that there was ever any lack of dignity in the man. Even in his freest moments one always felt the presence of a will and of an intellectual power which maintained the ascendency of his position." — C. A. Dana, *Recollections of the Civil War*, p. 148.

It is to be remembered that Dana wrote late and after Lincoln's whole character had impressed the nation and the time. Such universal dignity did *not* impress all observers. On the contrary, the lack of it often offended. Governor Andrew might have been priggish when he sulked after an interview; but he had reason to be offended by Lincoln's coarse buffoonery.

compassion. All true orators have something of this power of passion that fuses their individual hearers into a "living sea of upturned faces;" but only statesmen who are prophets also can carry this momentary passion into the larger personality of their constituents. Emerson said, "What an ornament and safeguard is humor! Far better than wit for a poet and writer. It is a genius itself, and so defends from the insanities."

There is a power in genius, not simply to represent or impersonate itself in another, as in the sympathy of friendship, but the greater man touches other natures, reaching out and collecting from any and all the true and large connections of humanity. Honest and kindly men are not naturally suspicious or ungrateful; yet Lincoln, a good neighbor and loyal friend, seldom praised another person. While Emerson recommended the history of individual men above all reading, our subject thought all biographies were lies; seeming to move aloof from individual man, while he extracted from mankind the secrets of humanity.

Thousands of dewdrops sparkle like diamonds in the morning sunshine. Only one gathers its iridescent rays from the opal and sends a fire as of rubies dancing through the ambient air. The same light, the same air, for each single aggregate of matter; but by joining the triumphant play of atoms in the encompassing air, that one simple drop of water glistens with all the hues of heaven. The subtle powers of genius have never been rendered in common words; but beyond doubt, it adapts its circumstances to new conditions which resemble creation in swaying anew the affairs of humanity.

Nasby, who knew the ways of humor and the meth-

ods of jokers, said of Lincoln in 1858 that he had the saddest countenance he ever saw; but we know now that there was a tale therein. In the sadness as well as in the fun the two-fold nature of the man exhibited itself. N. P. Willis,[1] an observer of experience, noted this fact very well. This quality or faculty, the obverse of duplicity, was highly active in Lincoln, and it carried him forward like the double action of the voyager's paddle in its one stroke. He was always present, and in the same moment he was generally aloof, diving downward with his Quaker ancestry toward an "inner light."

How far this double nature affected the movement of his intellect is a mystery. According to Herndon,[2] his perceptions were "slow, cold, clear, and exact," depicting everything in its precise form and color. Then he reasoned by firm, logical process. He read less and thought more than any similar man, and was not that easy master of language so common among speakers. His stories, jokes, and maxims clothed ideas which were often beyond his own powers of expression or the ready apprehension of his hearers. These ideas were odd and original for the reason that the man himself was a peculiar and original creation.

[1] Cited by Tarbell, *Life of Lincoln*, vol. ii, 51. Willis, at a flag-raising in Washington in the spring of 1861, describes the two-fold working of the two-fold nature of the man: "Lincoln, the Westerner, slightly humorous but thoroughly practical and sagacious, was measuring the 'chore' that was to be done. . . . Lincoln, the President and statesman, was another nature seen in those abstract and serious eyes, which seemed withdrawn to an inner sanctuary of thought, sitting in judgment on the scene and feeling its far-reach into the future. Completely and yet separately, the one strange face told both stories, and told them well."

[2] *Life of Lincoln*, pp. 591–595, 598.

When this innate conception moved outward, the result was uncertain. His judgment, the sum of all the faculties, was unerring where justice and the greater issues of life brought his ethical power into full play. But in the myriad affairs of life he was like an elephant picking up pins. His dull sensitivity and want of taste left him senseless in the ordinary fitness of life. Mr. Herndon was a partner thoroughly trusted, and his close relations to our subject make his conclusions important as well as interesting. His summary of predominating qualities is "first, his great capacity and power of reason; second, his conscience and his excellent understanding; third, an exalted idea of the sense of right and equity; fourth, his intense veneration of the true and the good."

No one knew our hero so well, when we include the life before and after his great elevation.

Lincoln has been compared to Socrates, and there is something in the Socratic analogy. But the situations of these homely intellects differed essentially. If Socrates picked up a gem in the slums of Athens, he polished it on Plato's wheel. The prairies and woods of Illinois afforded no education like or approaching that of the streets of the Grecian city.

This double energy must have served in purifying the inmost soul of Lincoln, and keeping him to his best capacity. No matter how rough the shells of the crowd around, or how slimy the wit of the Hoosier, our hero generally appropriated the pure pearl from within and bathed his spirit in its transcendent light. It is true both natures were active, and partook more or less of the occasion. He was superficially gross in his

enlightenment, and sometimes superstitious,[1] when he ought to have been inspired by his insight. The potsherd and the pearl-shell are near akin. Had the right sort of feminine influence affected his life, the results might have differed. Taste was beyond and above his simple organism.[2] The "sense to discern and the heart to love and reverence all beauty" was beyond the ken of this excellent Hoosier.

But in the great business of life, in the exercises between man and man, be they monetary or legal or political, our subject was always sound. "As honest as he is shrewd," said his clever opponent, Douglas, who was born in intellectual New England and trained in all the ready opportunity of the West. This masterly fencer recognized that the man of our sketch was greater than the conditions fettering his lofty nature. He had the minor defects along with the large attributes of greatness.[3]

A late tribute to Lincoln from one who knew thoroughly Bismarck, Gladstone, and the whole circle of European statesmen is worthy of attention. Sir Edward Malet, who was secretary to Lord Lyons in those crucial days, says that our Hoosier was a "sterling son of God."[4] Even more weighty is the testimony of John

[1] According to Lamon, *Recollections of Lincoln*, the sense of duty overcame his tendency to superstition through dreams, etc. — Pages 112, 113, 115. And his sound sense rested in the affirmation that the best interpreter of dreams was the common people. — Page 120.

[2] "I never cared for flowers; I seem to have no taste, natural or acquired, for such things." — Herndon, *Life of Lincoln*, p. 509.

[3] Mr. Hay said in 1866: "It is absurd to call him a modest man. No great man was ever modest. It was his intellectual arrogance and unconscious assumption of superiority that men like Chase and Sumner never could forgive." — *Ibid.*, p. 516.

[4] "Abe Lincoln was a great man — one whom the homely and loving appellation cannot belittle. Of all the great men I have known, he

Hay, uttered recently, and just now published: "Abraham Lincoln was the greatest man I have ever known or shall ever know." [1]

How did this man of the country and the time — this popular Jackson with the mental scope of a Webster — become the President of the Union and the leader of a nation in this period of agony? Nominating conventions are not ideal, but they were the surest means then discovered for exhibiting popular energy. At the Republican Convention in May, 1860, through and beyond the mists of chicanery and political wire-pulling, above the noise of hustlers and rail-splitting, we may get an occasional true note of conviction and popular sympathy, all of which at last culminated in the nomination of Lincoln. Politician as he was, the twofold nature we have sketched worked singly for the right and the true. Aspiring though he was, something larger than self entered into every movement of this rustic and unique statesman, slowly working his way to the inmost heart of the American people. We can now comprehend that the largest features of the conflict within the United States were first conceived by Lincoln. In June, 1858, in the beginning of the campaign with Douglas, he set forth the doctrine, now famous, "A house divided against itself cannot stand. I believe

is the one who has left upon me the impression of a sterling son of God. Straightforward, unflinching, not loving the work he had to do, but facing it with a bold and true heart; mild whenever he had a chance; stern as iron when the public weal required it, following a bee-line to the good which duty set before him. I can still feel the grip of his massive hand and the searching look of his kindly eye." — Malet, *Shifting Scenes*, p. 22.

[1] In conversation with Walter Wellman. *Review of Reviews*, vol. xxxii, 169.

this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all the other."[1]

Whatever the abolitionists, pursuing an abstract ideal of humanity, may have said, no practical political doctrine of this sort had been uttered. The speech was submitted in advance to all the local leaders of the party, and repudiated by every one. Even Herndon, partner and abolitionist as he was, asked, "Is it wise?" The author replied: "That expression is a truth of all human experience, 'a house divided against itself cannot stand.' . . . I want some universally known figure expressed in simple language as universally well known, that may strike home to the minds of men in order to raise them up to the peril of the times. I would rather be defeated with this expression in the speech, and uphold it and discuss it before the people, than be victorious without it."

Herndon[2] said at last: "Deliver that speech as read, and it will make you President."

Can history bring forward a finer instance of cautious wisdom, or of the high executive courage that proceeds from a sense of duty?

Some four months later, at Rochester, Mr. Seward uttered substantially the same thought in a speech more famous at the time, and which became the shibboleth of the party: "It is an irrepressible conflict between opposing and enduring forces." Probably Seward did not copy from his Western counterpart, and it matters

[1] *Lincoln-Douglas Debates*, p. 1. [2] *Life of Lincoln*, pp. 398, 400.

little whether he did or not. Mr. Seward's ideas, powerful and moving as they were, did not affect his own being or the consciousness of the nation, as did the conceptions of the more simple and downright Lincoln. This difference of fibre in the two statesmen showed itself only too clearly in the subsequent three years. Seward could make an excellent phrase; he could not put his whole being into an idea, then meet life or death through that one absorbing issue. This conviction of the inevitable contention between the two sections — an original, creative impulse — sunk deep into Lincoln's heart, as after events proved, and it developed a consuming zeal far beyond the ordinary workings of statecraft. In defining his radical saying, in the debates with Douglas, he went to the sources of the whole course of the two systems of civilization. This generation can hardly comprehend the satanic fascination wielded by squatter sovereignty in the Territories over the Western mind of the nineteenth century. Douglas knew the American people as well as any politician could, and the issues in the crisis of 1861 proved that he was not a mere self-seeking schemer. He believed, and probably with sincerity, that he saw a way out of the jungles of the fifties by means of the Nebraska legislation. Among his constituents, men then living had carried the American idea — the fulfillment of the eighteenth century — across the Alleghanies, and had pioneered the wild West and Southwest for liberty and independent government. In their mind the frontier was literally the front of civilization. The rough but intelligent pioneers knew little, and cared less, about the defects of this abounding frontier life, instinct with

Elizabethan courage and Gallic hope. Under the quiet of the citizen there lingered the original berserk spirit; and to be at once a free squatter and a legal inhabitant embraced their whole political ideal. Who can measure the force of this buoyant Western impulse of the nineteenth century? More important to them than the dogmas for or against African slavery was the overmastering idea of the sovereign will of the individual citizen. Trust that for the right and all will be well, cried the great advocate of the squatters. These pioneers and their sons desired for their descendants the control of the soil forever won from crown and aristocracy by our Revolutionary forefathers.

In a healthy condition of the body politic all of this might be true; but Lincoln, the Hoosier of "judicious prescience," lanced through this fair semblance of freedom to the slave-wound festering beneath. He argued fiercely with his plausible opponent that popular sovereignty in this form was "the most arrant humbug that had ever been attempted on an intelligent community."[1] He had been always against slavery, but had believed, until the introduction of the Nebraska Act, that it was gradually going out. It was the offensive-defensive strategy of slavery, introduced by Douglas, which had convinced him that the "house divided" could not endure; in other words, that the Union must finally prevail in spite of slavery.

The winter of discontent brought this stalwart son of the West into the centre of the national government, made him manifest to the eye of the civilized world. His executive capacity was to be tested now on the

[1] *Lincoln-Douglas Debates*, p. 31.

largest stage. Those who knew him in the closest relations testified to his steadiness in word and act. "His sagacity gave him a marked advantage over other men in enabling him to forecast probable events."[1] The art of government had been assumed generally to be an especial function of culture, though many of the greatest rulers in history had been unlearned. Europeans and Eastern Americans held that a statesman must know "all the old and new results of intellectual activity in all the departments of knowledge." The man of Illinois was a rude scholar and a most informal prophet; yet he could "enlighten the present," and bore the mark of him who prayed for "seed unto our heart and culture to our understanding that there may come fruit of it." This son of the people — bred in all popular wisdom — came to lead the nation along the dark path of Disunion, clouded as it was by uncertain counsel and timid statecraft. The national cause had widened away from the slave-trading aspirations of Gaulden[2] or the classic management of Jefferson Davis, on the one hand; while on the other it was sweeping away the halting timidity of the border States, or the inconsistent manœuvres of leaders in the North, like Seward. The Genius of the Nation had to face Disunion as against Union.

The President was inaugurated peacefully on the 4th of March; and his address[3] was a masterly statement[4]

[1] Nicolay and Hay, vol. iv, 170.

[2] Cf. *ante*, p. 15 n.

[3] "With the Constitution, Clay's speech of 1850, Jackson's proclamation against nullification, and Webster's reply to Hayne as authorities, he locked himself in a room upstairs over a store (at Springfield) and wrote an immortal state-paper." — Rhodes, *U. S.*, vol. iii, 316.

[4] *Ibid.*, pp. 317, 318.

of the appalling issues that possessed the hour. The President would not interfere directly or indirectly with slavery in the States.

> No state upon its own mere motion can lawfully get out of the Union. . . . The power confided to me will be used to hold, occupy, and possess the property and places belonging to the government, and collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion. . . . Physically speaking, we cannot separate. . . . In your hands, my dissatisfied countrymen, and not in mine, is the momentous issue of civil war.

The Inaugural met the average sentiment of the North as a temperate expression of the issues impending. But the South construed it to mean war. Douglas, certainly a fair interpreter, spoke of these apprehensions in the South, March 6, with the comment, "It is a peace-offering rather than a war message." [1]

Events for the next six weeks wore the appearance of extraordinary calm upon the surface, considering the undercurrent of revolution which was bearing the two sections to their great struggle. Men of foresight on either side knew and felt that war was inevitable, yet they acted as if it might be averted by some diplomatic exercise of statecraft. Both Davis and Stephens, representing the potent and also the most conservative parts of the Confederacy, had stated to their friends in February that there would be a long and severe war.[2]

Those elements in the North which were being bewildered by any possibility of peace were best represented by Seward, in so far as his capricious course

[1] *Congressional Globe*, p. 1436.

[2] Rhodes, vol. iii, 299.

could be representative. His self-intoxicating vanity occasioned curious misconceptions of events as they occurred.[1] The pregnancy of the issues amid the whirling impulses of the times seemed to excite him and delude him into a peculiar exaggeration of his own powers and opportunities.[2] As he belittled the son of the prairies adapting lonely habits to new social constraint, so he magnified the graduate of Union College and the rhetorician who could charm the Senate. This moral autocrat, perched on his own pinnacle of superior understanding, forgot that truly great men construe events by merging themselves into the larger action compelled by the occasion. They shape the form of the deed, but its motive[3] comes out of a larger purpose, inspired by the occasion itself. In the same trend of events the appearance of things hid the essence of things from Seward, fancying himself a dictator; while Lincoln, the man of the people, controlled by the actual, lifted himself into the lead of affairs as they were coming to be.

History does not yield such an example of the power of genius, basing itself on popular intuitions and the strict popular conscience, as Lincoln manifested. Every thought of the man, every throb of his heart brought

[1] January 13, 1861, he wrote home: "I have assumed a sort of dictatorship for defense." — *Seward at Washington, 1846–61*, p. 491.

[2] February 15, 1861, he wrote again: "We have passed the 13th [the counting of votes and proclamation of the election of Lincoln] safely; and although there is still feverish anxiety, and unrest, it is satisfactory to me that each day brings the people apparently nearer to the tone and temper, and even to the policy I have indicated. . . . I am at last out of direct responsibility. I have brought the ship off the sands, and am ready to resign the helm into the hands of the Captain whom the people have chosen." — *Ibid.*, p. 505.

[3] Cf. *ante*, p. 42, Lincoln's discovery of "motive."

him into closer contact with the people, whose child he was. Contrariwise, Seward and Chase, learned in the schools, cultured by experience, worked from within outward. While they grew through the marvelous opportunity of the Civil War, they were not relatively as large at the end as at the beginning of it.

Probably the possible fantasy of a statesman's brain was never revealed more completely than it was in the detailed proposition and scheme of public policy made by Seward after a month's experience as Secretary of State, and submitted to the President for his adoption. At the time his vagaries astonished his peers; for Sumner said, "Seward is infatuated." But it was not until both President and secretary were dead that we knew how far the ingenious theories of Seward had carried him in an amiable attempt to invent a policy and control the great issues of state, thus in his own mind virtually superseding Mr. Lincoln in the proper functions of his office.

The President never showed this document to any one, and acknowledged it kindly, although he made it clear that he would be the master in his own political household. Mr. Seward[1] said, "We are at the end of a month's administration, and yet without a policy, domestic or foreign." In domestic affairs he would change from "slavery to a question upon union or disunion, evacuate Fort Sumter and defend and reinforce all the forts in the Gulf." Abroad "I would demand explanations from Spain and France categorically at once, I would seek explanations from Great Britain and Russia. . . . If satisfactory explanations are not received from

[1] Nicolay and Hay, vol. iii, 445.

Spain and France, would convene Congress and declare war against them. Whatever policy we adopt . . . either the President must do it himself . . . or devolve it on some member of his cabinet. . . . It is not in my especial province. But I neither seek to evade nor assume responsibility."

It was not a mere whim, capricious as it seems now. For the sagacious Russell drew from the statesman himself impressions which impelled him to say, "Was it consciousness of the strength of a great people, who would be united by the first apprehension of foreign interference, or was it the peculiar emptiness of a bombast which is called buncombe? In all sincerity I think Mr. Seward meant [his dispatches] as it was written." [1]

To construe Seward properly, we must refer to his own inmost conception of his peculiar functions. He wrote home in January and February [2] that he held a "sort of dictatorship" that "each day brings the people apparently nearer to the tone and temper and even to the policy I have indicated. . . . I have brought the ship off the sands, and am ready to resign the helm into the hands of the Captain whom the people have chosen."

It is true that Mr. Seward's colaborers thought he had "no systematic ideas of administration." [3] But there is something more involved than executive proportion, or that personal egotism which fills all objects with one's self. We see in Seward the converse of the large principles of education we have tried to bring

[1] Diary cited by Rhodes, vol. iii, 342.
[2] Cf. *ante*, p. 53 n.
[3] *Lincoln and Seward*, Welles, p. 11.

out in Lincoln's experience. Lowell[1] said, "There has been nothing of Cleon, still less of Strepsiades striving to underbid him in demagogism, to be found in the public utterances of Mr. Lincoln."

Lincoln led the people often, and more frequently was led by them. Seward exalted his own conceptions, until his swelling vanity overwhelmed the people, and would have morally usurped the presidential office. Jefferson said, "The people are the only censors of their governors; and even their errors will tend to keep these to the true principles of their institution."

Lincoln could learn, where Seward fancied himself to be capable of teaching; and thus advanced himself through the progressive changes of the time into a larger growth. As we have set forth, only the largeness of the Union could have so inspired any man.

Early in April, the anomalous condition of the national affairs was working toward determination. Either the President's inaugural assertion that he "would hold, occupy, and possess the property and places belonging to the government" was a transparent lie, or it must advance from words into deeds. The North had strongly backed this positive watchword, evincing the power behind the Union. A few still hoped for compromise, as the words of Mr. Seward have shown; but the mind of the North was gravitating slowly toward the necessary conclusion.

Meanwhile, the condition of Fort Sumter enforced action of some sort. Anderson, the commandant, was very popular at the North — loyal as he had been, where so many officers were wanting, and skillful in the trans-

[1] *Study Windows*, p. 176.

fer from Moultrie to Sumter. The President decided to send supplies to Fort Sumter, which was nearing rapidly the point of starvation. The Confederate authorities at Montgomery, learning of this intention, determined to attack the fort. Toombs saw the issue with prescient eye, saying to Davis, "You will wantonly strike a hornet's nest which extends from mountain to ocean, and legions now quiet will swarm out and sting us to death." [1]

The expedition for supply was mismanaged, and, encountering storms, it failed; which were fortunate circumstances for the loyal cause. Anderson, when summoned, refused to surrender, but answered through Beauregard's aides and messengers on the 12th that he would evacuate, compelled by necessity, on the 15th. The cool heads on both sides were manœuvring for the wind, and were carefully avoiding collision; not so the Hotspurs eager for contest. Three of these aides were of South Carolina, and the fourth was Roger A. Pryor, a Virginian, who had said publicly two days before, "I will tell your governor what will put Virginia in the Southern Confederacy in less than an hour by Shrewsbury clock. Strike a blow!" [2]

The aides did not waste time or purpose, even by reporting to the general in command. The answer was a technical refusal of immediate surrender, though a virtual compromise, situated as the assailed garrison was. They went immediately to Fort Johnson in the early morning and ordered the firing to begin; and thus the fateful die was cast. And yet, when years

[1] Cited by Rhodes, vol. iii, 347.
[2] *Ibid.*, p. 349.

had passed, leading men of the South could maintain [1] that this attack was in self-defense. Like every action of Slavery, it was an offensive-defensive.

If the Union could have been saved so easily by the Crittenden or other compromise, as Douglas, Greeley, Horatio Seymour, "Richmond Whig," and thousands like them asserted, why was it not saved? Let us agree with Lowell, that the Providence of history holds in the imminent thunderbolt some power to solve social evils which neither prudent citizen nor peaceful moralist can comprehend, much less administer. It is true there are not many conditions or states of society worse than war; yet, like the mighty poisons which enter into a diseased, unsound human frame, there contend with the alien destroyers and convert their warring functions to processes of health, so war, the final reason, the clarifying and purifying master, rends the shams of politics and amends the faulty ways of decadent civilization.

We have treated the United States, after its formation in 1789, as one great entity, permeated and controlled by the Union. Into this orderly procedure of civilized government comes African Slavery, which had existed as a latent political force in the original polity. Slavery was an enormous accident in the development of the United States. The effect of its progress and conversion into a political factor that sought a division of the country, and the tremendous structural changes wrought thereby, was fairly stated by Alexander H. Stephens, March 21, 1861: —

> Our new government is founded upon exactly the opposite idea; its foundations are laid; its corner-stone rests upon

[1] Rhodes, vol. iii, 351, 352 n.

the great truth that the negro is not equal to the white man; that slavery — subordination to the superior race — is his natural and normal condition. This our new government is the first in the history of the world based upon this great physical, philosophical, and moral truth.[1]

Yet the political action of the South had not set forth these principles in all the agitation and negotiation since Lincoln's election. The social convictions underlying had come from slavery; the political action on the surface had grounded itself on State-rights and had talked of individual freedom. But "words are women, deeds are men," said saintly Herbert. The attack on Sumter changed substantially the attitude, and even more the feeling, of every man, North or South. Mr. Woodrow Wilson shows clearly that "the thrill of a new purpose and passion shot through the country"[2] as Beauregard's guns echoed from Maine to Texas and California. This new purpose went deeper than Union-saving, slavery-extension, or abolition. It took hold of those deep sources of feeling and innate conviction we call "the rights of man," — always vaguely interpreted and never formulated. "What his heart thinks his tongue speaks," said the great master of English expression. The cotton States, and soon the border States, — now in April, — believed that the right of each citizen extended to the soil of Fort Sumter and to the symbolic use of the flag thereon, representing a national principle — government in short. This was something more than a constitutional conviction inherited from Calhoun or Webster; it was a flaming passion.

The North, on the other hand, found itself and its

[1] Cited, Rhodes, vol. iii, 324.

[2] *American People*, vol. iv, 208.

heart most speedily. The "New York Herald,"[1] a delicate weathercock in a weather-breeding centre, in one day changed from the mildest peace to a front of grim-visaged war. That greater fealty, the loyalty which rounds out from the organic whole of a country and nation, was sundered unavoidably into a patriotism of parts. The Union was the larger, — ultimately and of necessity it became the only whole; but while it was in abeyance, the sense of right appealed to any and every man according to his inmost conviction.

This passionate emotion infuriated the men of the North, causing them in their suffering to denounce opponents as "traitors"[2] betraying the public interest. John Doe, whose affairs were shrinking and whose son was volunteering bravely to hard service or possible death, saw in the traitor a scoundrel injuring him in his own person. Contrariwise, the South defined all those opposing, or even wavering, as traitors. Even Lee was called a traitor to his State while he was hesitating.

Beneath, over, beyond this passion was an energy new in history; for such expression of a whole people had never manifested itself in human experience. "Man

[1] April 15, it said: "The people of this metropolis owe it to themselves . . . to make a solemn and imposing effort in behalf of peace." April 16, it thundered: "The time has passed for such public peace meetings as was advocated and might have effected some beneficial result a few weeks since. War will make the Northern people a unit." — Cited, Rhodes, vol. iii, 371.

The atmosphere of the great city, according to Russell, a most competent observer, was totally changed between two of his visits.

[2] Even Douglas — far from radical in his views — defined this position severely: "There are only two sides to the question. Every man must be for the United States or against it. There can be no neutrals in this war; only *patriots or traitors*. — Speech, April 26, cited, Rhodes, vol. iii, 414.

being not only the noblest creature in the world, but even a very world in himself." The men and women of the North unconsciously entered into this sublime state of being, until each individual sunk himself in that great patriotic movement[1] which has affected the world even to this day. The more intense the feeling of each man and woman, the more force accumulated in the mass, — not in mere weight and numbers, but in its quality of enthusiasm.

The Southron was brave, devoted, great in himself. But the world-power, the might of the Union embodied in a free people, was not with him; it was against his chivalrous doing, and it pursued him to the destruction of his social system painfully nurtured for a half century.

On Sunday the President made and signed his proclamation[2] calling for 75,000 militia to suppress combinations resisting the laws in seven of the Southern States. It was issued on Monday, April 15. The response was instantaneous and marvelous. All sorts and conditions of men volunteered eagerly for this need of their country. Intelligent, educated, well-placed men took commissions, or just as cheerfully went into the ranks. The period of service specified was ninety days; for under the act of 1795 the term of militia called out by the Executive was limited to thirty days after convening the next Congress. The President called an extra session of Congress for the 4th of July, and ordered

[1] "The war was an eye-opener, and showed the men of all parties and opinions the values of those primary forces that lie beneath all political action. Every one was taken by surprise, and the more he knew probably the greater was his surprise." — Cabot's *Emerson*, vol. ii, 604.

[2] Nicolay and Hay, vol. iv, 77.

all combinations opposing the laws to disperse within twenty days.[1] A call for three-years' volunteers was received with equal enthusiasm, and by the first of July 310,000 men were in the field under arms.

Such unanimity prevailed throughout the North that we wonder how apathy could have come about subsequently, and how it could have worked into positive opposition to the administration before a year had passed away. We shall see that the burden carried by true patriots was multiplied many fold by a potential disloyalty in Northern recreants, which damaged the cause of order more than false allegiance.

The energies of the Northern people, so far as exerted through the administration or the collateral governing forces at Washington, had been devoted to a painful exposition of constitutional law and to negotiations for peaceful compromise.[2] Meanwhile the new Confederate government had been preparing steadily for war. Throughout the South threats were loud and urgent that Washington would be seized immediately. The North was aroused and thoroughly alarmed for the safety of the capital,[3] the seat of the nation. The first troops to reach the threatened centre were a small band from Pennsylvania. Massachusetts, though distant, was the most ready, and dispatched the 6th regiment armed and equipped on Wednesday the 17th of April. On

[1] *O. R.*, Series III, vol. i, 67.

[2] Burgess, *The Civil War and the Constitution*, vol. i, 135.

[3] "The people of the North are very apprehensive lest the capital should be taken, which they determine, however, shall not take place if men and money can prevent it. They can submit to no terms whatever without the South submits unconditionally." — New York, April 23, 1861, John E. Wool, Major-General, *O. R.*, Series III, vol. i, 106.

the 19th, it was attacked by a mob in Baltimore and fired on by the assailants. Four soldiers, besides some of the mob, were killed; but the command soon reached Washington. Direct communication with the capital by rail and telegraph was cut off; leaving the 8th Massachusetts, 7th New York, and 1st Rhode Island regiments *en route*. This force, of necessity delayed, went by Chesapeake Bay, landing at Annapolis, against the remonstrances of Governor Hicks of Maryland. Bridges had been broken, rails torn up, locomotives wrecked, but the ready skill of New England repaired damages instantly, and the troops reached their destination on the 25th. The power and energy manifested in this reinstated connection of the loyal States with their centre was most dramatic, and it forecast the characteristics of the coming struggle.

At the isolated capital they could know nothing of this excellent doing, and the suspense was an agony almost passing endurance. Lincoln, the great protagonist of the republic, in the name of order had summoned the spirits of liberty from a vasty deep whose hidden possibilities were unknown: he now in his inmost heart bent under this responsibility new in political affairs, though he was calm in outward demeanor. Mr. Hay's diary[1] reveals him on the 23d, looking out toward the dark horizon and ejaculating, "Why don't they come! Why don't they come!"

[1] Nicolay and Hay, vol. iv, 152.

CHAPTER III

ADMINISTRATION

THE uprising of the Northern people, after the attack on Fort Sumter, ought to be one of the most instructive, as it was perhaps the most surprising and impressive, scenes in the whole history of representative government. The South had the harder part, in that it had to do, — to act on a conviction inbred for two generations; and its act would break in pieces a system of government which had been the hope and the admiration of the civilized world.

On the other hand, the action of the North must proceed from a belief in the indissoluble substance of the Union, — a Websterian conception rendered into the consciousness of the least citizen, — a belief that must issue in action, of necessity sacrificing life and property. The South knew what it would have — the right to hold slaves at all hazards. The North felt that the Union must be preserved — but how and when?[1]

[1] "Slavery was undoubtedly the immediate fomenting cause of the woful American conflict. . . . But slavery was far from being the sole cause of the prolonged conflict. Neither its destruction on the one hand, nor its defense on the other, was the energizing force that held the contending armies to four years of bloody work. If all living Union soldiers were summoned to the witness-stand, every one of them would testify that it was the preservation of the American Union and not the destruction of Southern slavery that induced him to volunteer at the call of his country." — Confederate General John B. Gordon, *Reminiscences of the Civil War*, p. 19.

There was a virtual interregnum from March 4 to April 15. The North was not deliberating, "it was hesitating its opinion." During this pause of the storm, while war and peace pervaded the whole threatening atmosphere, the new government was held potentially, in a negative way, to an impossible standard of excellence. The same hesitating persons who were expecting wonderful deeds and achievement in the administration that succeeded to the weak and execrated Buchanan, — these persons would have disclaimed and condemned any excess of prerogative in an executive, though the excess might be compelled by the furies of secession and rebellion opposed to it.

The very fact that the conciliating and temporizing Seward would improvise a foreign war and threaten all the nations of the earth, in order that the administration might check domestic rebellion in the South, — this scheme, though it was fantastic, shows the desperate condition of the internal affairs of the United States. Something must be done — what, how? Across the table, and almost equal in the councils of the cabinet, sat the Secretary of the Treasury, Salmon P. Chase of Ohio, who always made "an impression of strength, readiness, and power." While the representative of the Empire State stood for the old Whig political cult, Chase was Democratic, — a brand plucked early from the burning, — and now become the most conspicuous moral as well as political exponent of the abolition element in the North. What was his proposed solution of the enigma fronting and ensnaring the President? In his own words we have it, to recognize the "organization of actual government by the seven seceded States

as an accomplished revolution, accomplished through the complicity of the late administration, and to let that Confederacy try its experiment of separation." [1]

Beauregard's guns crashing through the flag of the Union at Sumter solved and precipitated these skeptical doubts and faltering purposes. As above said,[2] New York city, pulsating with the life of all the North, in one day changed from peaceful indifference to the most positive spirit of war. The greedy tradesman, the dilettante "impartial in his inertia of mind" and incapable of action, the common man-of-all-work, each in the twinkling of an eye became an American citizen throbbing and thrilling with the blood of the Union. The occasion was a very instructive episode in the capacity of government founded on popular representation, and it issued in enormous power poured into the hands of the administration at Washington.[3] For more than a year the whole possible force of the Northern States might be used, it being drawn from all sources of supply, — Republican, Democratic, Whig, or Abolition, — and it might be devoted to the suppression of the rebellion. These powers could be exercised by any means the President might choose to exert, with Congress backing him, though it was frequently anticipated by the Executive.

[1] Hart, *Salmon Portland Chase*, p. 209. [2] *Ante*, p. 60.

[3] Cf. Burgess, *Civil War and Constitution*, vol. i, 229, 232, 236. A full discussion of the reserved powers of the President. "It is perhaps best that the Constitution should recognize the power as belonging to the President in so general and vague a manner as to make him feel the great weight of the responsibility which he assumes in its exercise." — Page 229.

"The development of constitutional law on the side of the temporary dictatorial powers of the President is still an unsolved problem in our system." — Page 236.

Mankind cannot afford to lose any instituted force, once established out of its experience. The Homeric leader was a "king of men." The traveler of the fourteenth century found a "Kyng nought for to do Justice to every man, for he schalle fynde no forfete amonge us, but for to kepe noblesse, and for to schewe that wee ben obeyssant, wee have a *Kyng*." The new world shed off the trappings of the office, but in the single-hearted man from Illinois it kept a royal chieftain, whose manly force prevailed until the assassin's bullet ended his career.[1]

According to Hamilton, administration in a large sense comprehended all operations of the body politic, whether legislative, executive, or judicial, but "in its most usual and perhaps its most precise significance it is limited to executive details." Never was concise definition more clearly justified by the stern marshaling of events. The conscientious and patient Lincoln was scrupulous in using these powers and the resources of the country, but he might have had them all for the country's good. Never did a whole people work more thoroughly toward a single end. In a certain sense the South did the same, in bringing its resources into the conflict; but it had not an equal constituency in its people. Though democratic in form, its institutions were essentially aristocratic, and worked toward limited rather than popular ends. The historical student, whatever his theoretical convictions, must wonder and ask why this outpouring, popular effort of the North, in doing so much, did not

[1] "The illimited power exercised by the government, Mr. Lincoln is, in that respect, the equal, if not the superior, of Louis Napoleon." — Schleiden to Sumner, cited by Rhodes, vol. iii, 442.

accomplish more, and accomplish it more rapidly. Why did the North, excelling in numbers and wealth, require four years of agony to subdue the weaker party working for the poorer cause? We must study the administration of affairs in 1861 and early in 1862, to get at some factors in this interesting problem. If we cannot solve the whole question, we can reach and comprehend some of the causes underlying it.

One cause, possibly the most potent of all, consisted in the inadequate conception of the immediate business in hand that prevailed at Washington, especially in the early stages of the war. After every allowance for depreciation of the President, personal jealousies among the statesmen of the cabinet, and inevitable individual petulance, there was a greater disturbance tending to inefficiency in the powers which ought to have been. Mr. Lincoln, great as he was, had some serious defects in executive action. He could not execute in the largest sense by care that "foresees, provides, administers" affairs. Great as his motive might be, his interference in the bureaus became petty and pernicious. Any woman weeping in the White House could get an order pardoning a sentinel for sleeping on post. But that order would cost hundreds or thousands of lives. When checked at times by the vigorous Stanton, the man of great heart was forced to answer, "he is always right." But this interference, careful in an individual, petty in principle, produced mischief in the bureaus of the departments. The bigness of the executive multiplied the littleness of smaller men who followed his dicta.

The immense forces agitating the people and seeking

opportunity to act through the executive power of the administration seemed to transcend the capacity of that administration to handle, to grasp, even to comprehend. We shall see these tremendous defects, made more defective by their own operation, cropping out as the events of the passing struggle became dire exigencies of the State.

We may note, by the way, the great assistance rendered by prominent citizens in various parts of the Union, — holding no office but serving constantly in the immediate needs of the State. Among these no one was more distinguished or effective than John M. Forbes of Massachusetts, a civilian of immense experience, who combined the force and ready tact of the great merchant with the native insight of a strategist. These great civilians were not mere sporadic individuals. As they were the highest outgrowth of American life and Northern culture, they brought to the unpaid service of their country powers trained in the affairs of life, which contributed immensely to our political development and to the final restoration of the Union.

Forbes was in Washington as early as the 19th of April, suggesting to Governor Andrew[1] a confidential dispatch to General Scott. But he fears treachery among telegraph operators. "Ought to have a confidential agent there with mercantile key." Perhaps Sumner or Wilson might be employed, but he would prefer a less prominent man. "It needs a man of sense and secretiveness." We shall see much of his force and ingenious activity.

One of the first means of communication between

[1] *Massachusetts Executive Files*, vol. 169, April 19, 1861.

administration and people was afforded in the prompt action of Governor Andrew and of Massachusetts in sending George S. Boutwell, "with full general authority to represent me,"[1] to Washington. A Democratic Republican, beginning life in a country store, passing through all the varied work of statesmen to high rank as a constitutional lawyer, he was a typical citizen of New England. Sent by the governor of Massachusetts on the recommendation of John M. Forbes, no layman could have brought a more weighty embassy or more forcible suggestions to the men in power. Andrew had written to Governor Boutwell on the 19th of April, at the moment regular communication with Washington was being broken off, asking him to accept the mission, for "we need your information, influence, and acquaintance with the cabinet and knowledge of Eastern public sentiment."[2] He arrived on the 27th, two days after the column of troops which went by Annapolis, having spent those two days between Philadelphia and Washington. His first word of information to his principal was, "You may easily understand the mighty public sentiment of the free States is not fully appreciated here."[3] The next day he wrote, "The President and cabinet are gaining confidence," and martial law was to be proclaimed on the morrow. He talked freely with General Scott and admired the old soldier's national sense of duty, but the general was no longer in condition to organize, much less to lead armies. He arose with difficulty from a sofa, and limping across the room, complained in consequence of a wound received

[1] *O. R.*, Series III, vol. i, 99.
[2] Boutwell, *Sixty Years*, vol. i, 284.
[3] *Ibid.*, p. 286 *et seq.*

at Lundy's Lane. From New York Mr. Boutwell wrote Governor Andrew, May 2,[1] that all the members of the administration, — with whom he had been in free converse, — excepting perhaps Mr. Seward, favored the vigorous prosecution of the war. Seward repeated, "The crisis is over."

J. H. Martindale, graduated from West Point, then a lawyer and afterward general of brigade in the Army of the Potomac, wrote from Rochester, N. Y., April 25, to Montgomery Blair, Postmaster-General: —

> The high, painful excitement which is stirring the hearts of all men must have expression in action. Clear the road to the capital and keep it cleared. . . . For God's sake and our country's, let us take hold of the military spirit of our people and direct it aright now, when we can. We can have a long and exhausting war, or we can conquer a peace before the end of another winter if we will only organize and use our power promptly.[2]

Galusha A. Grow, Speaker of the House of Representatives, had been to New York and wrote from his home in Pennsylvania to Secretary Cameron, May 5, something of his interesting observations: —

> You have no conception of the depth of feeling universal in the Northern mind. . . . The people in New York and the cities are very impatient for Baltimore to be opened, and on the rumor that the government would not invade Virginia they were perfectly indignant, and I wish to say that if the government adopts that policy there will be a universal execration go up from the North, and you will be as powerless in thirty days as you are now powerful. I saw many of the solid men in New York, and they have embarked their all in

[1] Boutwell, *Sixty Years*, vol. i, 289, 290.
[2] *O. R.*, Series III, vol. i, 110.

this contest, provided the administration will prosecute it to the bitter end, if need be, to quell insurrection and hang traitors, so that no madcaps will ever try the experiment again.[1]

From far-away Maine W. P. Fessenden wrote, May 9, to the Secretary of War: —

> . . . Put down at once and forever this monstrous rebellion. The masses are far ahead of the politicians in this feeling. I have been surprised as well as gratified that our most cautious and money-loving men say that now is the time to establish our government upon a permanent basis . . . until the cause of government is vindicated and the traitors doomed. While mere invasion is to be avoided, I hold that wherever the public property has been seized it must be repossessed, and wherever rebels appear in arms to resist the laws they should be dispersed.[2]

Oliver P. Morton said, April 28, "Indiana is loyal to the core, and will expend her best blood and treasure without limit for the successful prosecution of this war." [3]

These participating observers[4] were not speculative theorists, but American politicians. As a class they were the readiest exponents of popular will ever known; and catching the instant beating of the heart of the people, they would have girded themselves with prompt skill to build up an ascendant administration of the United States. Not only must rebellion and treason be subdued, but the Union must be strengthened and lifted above all perils of the future.

The changed popular attitude toward coercion will

[1] *O. R.*, Series III, vol. i, 160.

[2] *Ibid.* p. 182.

[3] *Ibid.* p. 126.

[4] The well-known Joshua Leavitt of New York wrote to Governor Andrew, April 24, abusing the administration severely, "imbecile . . . we must have leaders." — *Mass. Exec. Files*, vol. 168, 6.

indicate sufficiently the increase in national scope and force wrought by two short months in the every-day feeling and conviction of the people. The secessionists, sympathizers, and apologists — South and North — chose their ground well in the winter now passed, when they made coercion of a State a main bugaboo. To generations trained in the buoyant atmosphere of the Western world, all idea of any curbing restraint on the individual freeman was abominable and repugnant to the spirit of the American Revolution. The essence of America was freedom; and they fancied that freemen once in possession would want and therefore could seek nothing wrong. This American function had become politically a virtual category; an inherited, innate condition of the understanding, and moreover a subconscious exercise of the highest faculties of reflection. The average American of the middle nineteenth century not only knew, he felt that his country was right; and in some way he believed the Union would be saved, because it ought to be saved. On this class and on this condition of dreaming the secessionists struck a rude blow at Sumter, which not only sounded the hour by Shrewsbury clock through Virginia, according to Roger A. Pryor,[1] but which vibrated through every nerve of the Northern people. Instantly, passive dislike of coercion changed into the firm category of the seventeenth century, when "governments had coercion and animadversion upon such as neglect their duty." On the rumor that "the government would not invade Virginia, they were perfectly indignant," [2] said Speaker Grow. This observation was in New York city, the

[1] Cf. *ante*, p. 57. [2] Cf. *supra*, p. 71.

home of conservative life, and one of the last places to put forth its patriotic energy.

We have said that the interpretation of popular feeling was through politicians; in this light let us consider Abraham Lincoln, the greatest politician of them all.

There was great contrast between Lincoln and Oliver P. Morton, bred from similar stocks in Kentucky and Indiana, and called to two of the most powerful and influential positions in the conduct of the Civil War. The governors of the great commonwealths were in one sense even greater executives than the national president in the first two years of the Civil War, or until after the draft was thoroughly enforced. It ought not to have been so, but it was; the governors furnished the raw material for the new fabric that was weaving imperial textures. The lawyer-politician from Illinois gradually grew into the statesman, who marshaled the largest armies since Napoleon, freed millions of slaves, and finally wielded the powers concentrating in the general government so justly that they rested in the hands of a necessary dictator. But the President of the Republic in 1861–62 exhibited no such executive force as Andrew, Curtin, and Morton constantly exercised, until the power of their States was mustered into the field. Especially, in the first year, they were the only war-ministers the country had or could have, until the pressure of affairs developed Stanton. Mr. Lincoln was worrying himself into exhaustion, when he was running from one department to another — followed by troops of office-seekers — and meddling conscientiously with details which should have been determined for better or worse by each master of his own bureau.

This need not apply even by inference to his enforced supervision of generals in the field. There was no actual leader of the armies until Grant was evolved. The President honestly tried many, and found them wanting. Mere force of circumstance carried Lincoln to military headship; and history reveals more and more that he was in that respect a good leader — inevitable limitations being fairly admitted.

But the officious intermeddling in the bureaus at Washington at first experienced is almost beyond belief. The printed record cannot show its whole extent, — though plenty is revealed, — but occasionally we get a stray document which displays the "inwardness" of the circumlocution office in a great capital. We must go forward to September 10, to a little scrawled note of Governor Andrew's, if we would recall a significant picture of those times. Bear in mind, this occurrence was half a year after the organization of the administration, when the bureaus were working smoothly after their fashion; this was not a hurried mistake of the early confusion.

The expedition against Wilmington, N. C., finally conducted so brilliantly by General Burnside, was projected for General T. W. Sherman, one of the older officers whom the war gradually displaced. Massachusetts was much interested, and the governor had promised his effective assistance. Meanwhile McClellan was preparing to play the part of General-in-Chief at Washington, and from his influential post was naturally absorbing the best troops into the Army of the Potomac, as far as he could. Major-General Butler — of varied and varying fame — was recruiting in New England for his

expedition to New Orleans, — of which more anon,[1] — through struggles and bitter quarrels with the executive of Massachusetts. Hence the course and the peculiar interest, local and national, of these incidents we are relating.

Mr. Seward, now to appear, was so great a political manipulator that he could hardly play a second fiddle[2] without some discord. But it is fair to say that he was trying to do the best that Seward was capable of doing. It was the President's misfortune that so capable an intriguer — generally out of work — was at hand, and ready to help the President in matters which should never have been. All this applies inversely to the following incident, where Mr. Seward probably helped Andrew to prod Cameron. I am only trying to show the general course of intrigue at Washington by holding up these transactions to the light.

This note, very unlike the most of the governor's communications, was brief, scrawled on the executive note-paper addressed only to "My Dear Sir."[3] "We are raising five new regiments, all of which I mean Sherman shall have, *if you will get an order* from

[1] Cf. *infra*, p. 197 *et seq.*

[2] He writes to his wife, May 17, 1861, a complete exposition of this whole administrative business: "I am a chief reduced to a subordinate position and surrounded with a guard, to see that I do not do too much for my country, lest some advantage may revert indirectly to my own fame. . . . It is due to the President to say that his magnanimity is almost superhuman." — *Seward at Washington, 1846–61*, p. 575. The artist's portrait by "his own hand" has an interest altogether its own. Here a second-class man vainly tries to comprehend the "superhuman" nature of one of the first class. A self-seeking politician could not enter into the conceptions of a truly great man. Far less, could he do as the hero did.

[3] *Mass. Exec. Files*, vol. 143, 7.

the *War Department*." Returned indorsed, "Respectfully submitted to the War Department. A. Lincoln." "Sept. 10, 1861. Let this be done. Simon Cameron, Secretary of War." Again, "I send the order you desire. Wm. H. Seward." By every inference the note must have been addressed to the President, but the "chief reduced to a subordinate position" returned it as if it were his own affair. These three masterly politicians, when they conferred in the grim old bureau of the War Department, — like the Roman augurs behind the altar, — must have smiled —

> As if he mocked himself and scorned his spirit,
> That could be moved to smile at anything.

I dwell on this curious incident, not only for its fascinating historical detail, but for the significance of the picture; as its scenes bring out the course of early administration at Washington. Each man reveals himself in a flash: the restless, tactful executive, Andrew, freeing his shifty arm from the incumbering red tape; the President, cool, sagacious, unselfish — sending the arch-plotter and "subordinate chief" on an office-boy's errand; Cameron, the artless,[1] simple-minded public servant, dashing off a straightforward order. Finally, something was done; and, as sometimes happened, in this case it was done right. But great affairs cannot be greatly conducted by too constant indirection.

Lincoln's personality has not been sufficiently or fairly studied as a factor in the first direction and early management of the national resources. As shown, it was not known in the beginning by Seward, Chase, or any of the coördinate officials, that Lincoln in himself was

[1] Cf. *infra*, p. 199.

to be the master and ruling influence of the future.[1] These officials were representative and necessary functionaries of the government, however they might appear to themselves or their leader.

But the great aims and objects of the state had to pass through Lincoln's nature, and to be transmuted by him into common political methods, and into the management of ordinary political agents. The President, according to all authorities, — especially Herndon, his bosom friend,[2] — obeyed implicitly his own sense of right, never subordinated to any personal or selfish end. It is a trite saying that evil communications corrupt good manners. Notwithstanding the dignity of the man, the President had not taste,[3] and therefore no manners of his own. In the gravest crisis of the whole period, treated as statecraft, — in the deliberations preceding the issue of the Emancipation Proclamation, — at the formal meeting of the cabinet for definite action, he read with high glee a chapter out of Artemus Ward.[4] Did ever such text precede such a sermon? As Lincoln knew, the ministers of state were far from being his own equals in personal capacity. But they in themselves did not know this, and they were among the very best men the country possessed. Did they not perceive that the politician Lincoln was toying with their judgment and their responsibility, while he joked by the way with Artemus Ward?

We may say that the weary Lincoln needed such relaxation to carry him through the oppressive mental

[1] "There can be no doubt of it any longer, this man from Illinois is not in the hands of Mr. Seward." — *Diary of a Public Man*, cited, Tarbell, *Lincoln*, vol. ii, 27.

[2] Cf. *ante*, p. 45.

[3] Cf. *ante*, p. 46.

[4] Hart, *Salmon P. Chase*, p. 266.

crises of the time. But this occasion was not for easement of his own spirit; it was the entrance of the presidential protagonist, — an entrance which became his fall, when he entertained the subordinate actors with the diversions of a clown. Better breeding would have carried the man in his true greatness into proper accord with the occasion. This occasion was big with fate, — greater even than Gettysburg became with its obsequies of services and love, when the President's memorable words charmed the whole world.

High political morals, out of his own pure conscience, became the poorest political manners when rendered into the common arts of a politician. This incident in the progress of emancipation was not a casual accident. The President knew that he was a larger man than his associates; but a finer sense of the fitness of actual life would have brought better manners and a better presidential action than a comic rehearsal. We dwell on these minor details of history, for they foreshadow some of the underlying causes of events. The political arts of the man in the executive chair were often most useful in overcoming momentary obstacles; but in a large sense they were not of the best. A better master of the situation in the first year would not have required political arts to piece out a reëlection four years later. We are now treating these personal characteristics as they affected the inevitable course of affairs, and would apply the lesson to the immediate failure of the executive — both President and Cabinet — in concentrating the energies of the people, and in putting forth the power of the government through administration, for subduing the rebellion.

This criticism is inspired by methods; in that the method of the time did not proceed according to well-established principles. Lincoln, in the closest revelation we have of his thought and purposes, — the diary of John Hay, May 1, 1861, — saw then the proportions of the problem as it hovered in the dim distance. "There exists in our case an instance of a vast and far-reaching disturbing element which the history of no other free nation will probably ever present." [1]

Yet Lincoln and those around him could not perceive how far the people had advanced in putting the powers of administration into dictatorial form. Washington was saying that Jefferson Davis was a virtual dictator, and "understood the crushing, fusing, welding power of military rule." [2] But competent critics now perceive that Lincoln was "practically in position of a military dictator, which was good political science, and good public policy." [3] We shall see the demonstration of this in the message of the President, July 4, and in the action of Congress thereon.

There is a certain atmospheric power influencing the American statesman, embodied in the term responsibility. This, according to Hamilton, in order to be reasonable, "must be limited to objects within the power of the responsible party." Though Jackson almost travestied this term, it has never ceased to be potent in all our councils of state. The men responsible for the immediate administration of affairs in these great emergencies were human, and they might not have been able to render full service in heroic measure at every

[1] Nicolay and Hay, vol. iv, 258. [2] *Ibid.*, p. 265.
[3] Burgess, *Civil War and the Constitution*, vol. i, 232.

need of their embarrassed country. Their petty defects and corresponding shortcomings, however, must be recognized, because these unconsidered trifles produced far-reaching results that hindered and sometimes obstructed the cause of the Union. But these minor defects in the rulers of the time have been illumined and properly overborne by the large positive service rendered by the same men.

It will be more agreeable to study the great movements which ultimately subdued the hydra of secession. Let us turn to the message sent by the President to Congress on the 4th of July, 1861. However our man of the people might fail in treatment of his associates and fellows, toward the whole people, his constituency proper, his manners were perfect. This message rendered account of deeds done by means of a kingly prerogative, — exercised for nearly three months, — and the masterly statement was worthy of the leader of such a people.

The President soon comes to the first great question, the projected relief and consequent assault on Fort Sumter.

> It is thus seen that the assault upon and reduction of Fort Sumter was in no sense a matter of self-defense on the part of the assailants. They well knew that the garrison in the fort could by no possibility commit aggression upon them. They knew — they were expressly notified — that the giving of bread to the few brave and hungry men of the garrison was all which would on that occasion be attempted unless themselves, by resisting so much, should provoke more.[1]

With consummate wisdom he lays broadly on these

[1] *O. R.*, Series III, vol. i, 313.

simple facts a proposition which involves the whole basis and structure of popular government. "Is there in all republics this inherent and fatal weakness? Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence? So viewing the issue, no choice was left but to call out the war power of the government."[1]

He does not reply directly to these reasoned queries, but in substance invokes the voice of millions, as he reports quietly, as mere business, the marvelous response of the people to the administration in its appeal to the country in its need. And in sum, "no compromise by public servants could, in this case, be a cure; not that compromises are not often proper, but that no popular government can long survive a marked precedent, that those who carry an election can only save the government from immediate destruction by giving up the main point upon which the people gave the election. The people themselves, and not their servants, can safely reverse their own deliberate decisions."[2]

This was the firm ground on which he rested in November, 1860, and which he held serenely when he was in the midst of all the bogs and morasses of Congress and peace conventions throughout the winter. There was one pilot who could lay a course.

In a similar large way he tramples over petty arguments and distinctions between secession and rebellion, arriving at State-Rights and clenching with a giant's grasp the main idea, "the Union is older than any of the States."[3] Border state neutrality is shattered by

[1] *O. R.*, Series III, vol. i, 314.
[2] *Ibid.*, p. 230.
[3] *Ibid.*, p. 318.

the same mighty hand. Douglas, whose untimely death Greeley had termed "a national calamity," had reinforced the President in April and May in this direction as only so great a popular leader could have done. "There can be no neutrals in this war; only *patriots* or traitors."[1] Beauregard, bombastic as Orlando, had informed Virginia by proclamation that "a reckless and unprincipled tyrant has invaded your soil."[2] The President quietly shows that the great whole must be considered and not the parts. "The people of Virginia have thus allowed this giant insurrection to make its nest within her borders, and this government has no choice left but to deal with it where it finds it."[3]

The first 75,000 troops called out were militia. Under the Act of 1795, May 3, a call was made for 42,034 volunteers to serve for three years, with an increase of the regular army and navy. These measures, "whether strictly legal or not," responded to popular demand and public necessity, and it was believed nothing had been done beyond the "constitutional competency of Congress."[4] After much consideration the administration had appointed regimental commanders for the militia and volunteers, one half from the regular army and one half from civil life.[5]

While awarding "great honor" to those officers of the army and navy who remained true to the Union, the President does not forget his inborn, democratic principles when he comes to praise the common soldiers and

[1] Rhodes, *U. S.*, vol. iii, 414.

[2] *Ibid.*, p. 435. The same document declares "their war-cry is 'Beauty and booty.'"

[3] *O. R.*, Series III, vol. i, 314.

[4] *Ibid.*, p. 315.

[5] *Ibid.*, Rep. War Dept., p. 305.

sailors. "To the last man, so far as known, they have successfully resisted the traitorous efforts of those whose commands but an hour before they obeyed as absolute law. This is the patriotic instinct of plain people."[1]

Yet more intimately does he come into the heart of the people with massive common sense and a never-failing grasp of principles, when he discusses the suspension of the law of habeas corpus. No constitutional casuist nor any demagogue could ever break this charmed intercourse between the ruler and the main body of the people. Although it was done under a military necessity, he admits that "one who is sworn to 'take care that the laws be faithfully executed' should not himself violate them. . . . But to state the question more directly, are all the laws but one to go unexecuted and the government itself go to pieces lest that one be violated?"[2]

In effect, he confutes many Southern contentions by his simple account of the condition of our foreign relations. Through the "extraordinary forbearance" of our government the opinion had obtained abroad that destruction of the Union was probable. Now our sovereignty and rights are respected throughout the world.

The administration was then in full swing, and the petty depreciation of Lincoln that had prevailed more or less since his election was passing by. Seward even wrote his family, "Executive skill and vigor are rare qualities; the President is the best of us."[3] A significant admission for the egotist who thought in February that he had saved the state from the people, and in March was ready to save it from the President.

[1] *O. R.*, Series III, vol. i, 320. [2] *Ibid.*, p. 315.
[3] *Seward at Washington, 1846–61*, June 5, 1861, p. 590.

Congress met the emergency at this first session with ample patriotism and a ready political adaptability, immanent only in Americans.[1] The power pertaining to an absolute ruler had been exercised virtually by the plain President, and it never was abused. More extraordinary even than this comprehensive specific legislative support was the executive action, which was sustained and legitimated by the general action of Congress. These incidental actions could not be recorded always in detail. April 30, 1862, the House of Representatives passed a resolution censuring Secretary Cameron for authorizing Alexander Cummings to control money, purchase arms, etc. This drew from the President a special message, May 26, 1862,[2] which recited at length the methods of carrying forward executive action, immediately after the assault on Sumter. The bureaus were so honeycombed by treason that the business initiated at a secret conference of the heads of all the departments could be transmitted in orders only by "private messengers in circuitous ways." "I believe that by these and other similar measures taken in that crisis, some of which were without any authority of law, the government was saved from overthrow. I am not aware that a dollar of the public funds thus confided without authority of law to unofficial persons was either lost or wasted."[3] Large discretion was given to Governor Morgan, Evarts, Cummings, and others. The Secretary of the Treasury was directed to advance without security to Dix, Opdyke, and Blatch-

[1] In the opinion of Speaker Grow, "No Congress of the United States was ever confronted with questions of national concern more momentous and far-reaching." — Egle, *Life of Curtin*, p. 484.

[2] *O. R.*, Series III, vol. ii, 73. [3] *Ibid.*, p. 74.

ford $2,000,000 of public money. The President said that Secretary Cameron, though approving, did not initiate these measures; that he in his office with all the heads of departments was equally responsible. We may cite this as an immense lesson in the experience of government. Though the habitually jealous legislative branch of the government had been encroached upon, there was hardly a murmur of dissent. Congress authorized the President to accept 500,000 volunteers where he asked for 400,000. It provided for a loan of $250,000,000 for a new tariff and taxes including one on incomes, hoping thereby for a revenue of $75,000,000 per annum. Under the lead of McClernand, a Democrat, the House of Representatives pledged itself to vote "any amount of money and any number of men" to suppress the rebellion. There were only five negatives, one cast by Vallandigham, the future Copperhead.

Some political elements were more eloquent in their absence from this important message than they would have been if proclaimed and treated at length. The Confederacy had not alluded to domestic slavery in the operations founding its government. No more did Lincoln speak of this, the most dangerous and disturbing element of the whole contest. State-Rights and Anti-Rebellion were the categories and rallying-cries of the two parties. In the end, slavery became the one absorbing factor.

The administration failed in all its early estimates of the size and force of the rebellion. A mighty consequence of these inadequate conceptions of the tumult agitating the body politic opened out in the methods and the progress made in recruiting troops. More

damaging even than these faulty methods was the lack of forecast that failed to discern the mischievous resultant of popular energies turned awry and misdirected.[1] These latent yet potent moral forces, underlying the popular will, had been indicated already by patriotic and interested observers.[2]

The President and Secretary of War both seemed to plume themselves in having checked the torrent of troops offering from all quarters. Secretary Cameron reported July 1: "The government presents the striking anomaly of being embarrassed by the generous outpouring of volunteers. . . . One of its main difficulties is to keep down the proportions of the army."[3] And the President supported him by telling Congress: "One of the greatest perplexities of the government is to avoid receiving troops faster than it can provide for them."[4]

Many men saw the weak attitude of the rulers at Washington. Pennsylvania has claimed always to be the Keystone of the Union. Its forest-acres — imbued with the gentle spirit of its founder, holding massive stores of coal and iron between most fertile valleys — in the very name put forth the embodiment of both peace and power. Its people, greatly intermingled in stocks of English, German, Swedish, Dutch, and Irish

[1] In May, 1861, when expecting a call for volunteers for the war, all classes, young and old, were eager to follow the drill-sergeant's stick. The writer remembers a conscious perception, when drilling then, that all capable of bearing arms should be enrolled; and that each and every one should be habituated to the idea that the Union might need his particular services. We did not comprehend the power of German methods then, but we had a better basis for a conscription.

[2] Cf. *ante*, pp. 71, 72. [3] *O. R.*, Series III, vol. i, 303. [4] *Ibid.*, p. 316.

blood, were slow of action. Yet they had been educated opportunely to the significant import of the present crisis. By their location on the border and the affiliations of trade, they had been inclined to sympathize with the South in the middle of the century; but the political campaigns of 1860 — wherein Republicans did not dare to appear, but a People's Party sought the votes — stirred the community to its depths and informed them of the crisis. Old political elements were fused into a new compound, ready to resist rebellion.

The man Andrew Gregg Curtin fitted the occasion which made him governor. Born in the State and descended from excellent Irish stock, according to his intimate associate, Colonel A. K. McClure, "he had every quality for aggressive leadership. Of imposing person, impressive manner, capable of forceful logic mingled with the keenest wit and sarcasm, and unsurpassed in wit and eloquence, he was just the man to lead in a great revolution."[1] An old Whig, he could bring into line "Free-Soilers" and "Know-Nothings." Though a lawyer, he readily touched farmers and iron-men, as well as the merchants and manufacturers of Philadelphia.[2] In his inaugural address, delivered two months before Lincoln's inauguration, he sounded the clear note, "The people mean to preserve the integrity of the national Union at every hazard."[3]

Possibly the position of his native State on the border inspired Curtin to a keener sense of responsibility and impelled him to forcible, independent action; certainly there was no sympathy with his fellow-citizen at the

[1] Egle, *Life of Curtin*, p. 103.
[2] *Ibid.*, pp. 36, 37.
[3] *Ibid.*, p. 40.

head of the War Department. According to Colonel McClure, the secretary and governor were not friends; old political "wounds were yet fresh and inspired the bitterest hostility." [1]

Governor Curtin called an extra session of the legislature on April 30, proclaiming in his message "the time is passed for temporizing or forbearing with this rebellion." [2] General Patterson, in command of the Department of Washington, with headquarters at Philadelphia, had made requisition on him, April 26, for twenty-five regiments of three months' men in addition to the twenty-three already mustered into the service of the United States. In his message, the governor recommended that fifteen additional regiments be raised. May 3, Secretary Cameron disavowed the action of General Patterson, who "had no authority to make any requisition on you," [3] eliciting the spicy rejoinder, May 6, "It would be well for me to understand how authority is divided, so that we can move with certainty, and the ardor of the people of this State should not be again cooled by changes." [4] May 13, the secretary, among other queries, inquired how many regiments of three months' men were willing to be mustered for three years.[5] And on the 14th he issued to many States, including Pennsylvania, Massachusetts, and Indiana, his plan for organizing the volunteers for three years' service; [6] and with ten regiments assigned to Pennsylvania. In all these orders, it was urged constantly, "It is important to reduce rather than enlarge this number, and

[1] Egle, *Life of Curtin*, p. 103. [2] *Ibid.*, p. 259.
[3] *O. R.*, Series III, vol. i, 151. [4] *Ibid.*, p. 167. [5] *Ibid.*, p. 192.
[6] *Ibid.*, pp. 202, 203, and Gen. Orders No. 15, 151.

in no event to exceed it." May 16, the governor [1] informed the War Department that the bill creating the Pennsylvania Reserve Corps had been passed, and asked that the men be mustered, which was granted. Evidently some time was spent in negotiating, for Curtin did not answer the telegrams of the 13th and 14th until May 20, when he discussed at length the actual and possible questions of muster. Of the probable action of those not yet mustered he says that "8 or 10 regiments are organized and 300 companies pressing for admission, eager to serve for any period." [2] Of the whole question he says, "I have been thus explicit, because I regard this question of vital importance to the service, and upon the decision of which by the War Department much of its efficiency will depend." [3]

June 25, Colonel John A. Wright, aide to the governor, called on the President and secretary, pressing acceptance of the reserve corps with a major-general and brigadiers. The secretary declined, thinking he had "taken responsibility enough and will await action of Congress." [4] He refused positively to commission the generals; and we should consider in this connection that the difficulty was not local or peculiar. Many of the States were assiduously pressing general officers for commission, while tendering their troops. To concede these appointments generally would have been to take virtual control of the army away from the Commander-in-Chief and the War Department.

A historical illustration of official astigmatism, that might be reinforced hundreds of times, is afforded in

[1] Egle, *Life of Curtin*, p. 266.
[2] *O. R.*, Series III, vol. i, 218.
[3] *Ibid.*, p. 219.
[4] *Ibid.*, p. 297.

the casual remark of the secretary to Colonel Wright: "If three months' men go home, they will in a short time, when another call is made, be the more anxious to reënlist." [1] A fine example of "cooling the ardor," as Curtin [2] puts it. This was a touch of the bureaucratic obscurantism of Washington that cost the American people thousands of lives and seasons of agony. It was not the common form of "red tape" inevitably possessing the great business of governments. Cameron was not a dawdler of the Circumlocution Office; he was a man bred to large affairs. He was enwrapt in the deadly atmosphere of a capital; immersed in the centripetal influences of political opportunism; "Happy-go-lucky;" send off your volunteers, and they may come back with yet more eager enthusiasm.

Colonel Wright was in Washington again July 13, and submitted the secretary's offer to accept fifteen regiments of infantry and one of cavalry, and "to appoint the general a brigadier-general in volunteer force." [3] George A. McCall declined this tender with the support of Governor Curtin.[4] July 17, when McDowell had started for Bull Run, the department accepted the Pennsylvania Reserves.[5] July 22, in the excitement after Bull Run, and with the interposition of Secretary Chase, General McCall "under the circumstances accepts the commission of brigadier-general." [6]

We dwell on these incidents of the raising of the Pennsylvania Reserves, not only to show the splendid energy of the governor and his people, but to indicate

[1] *O. R.*, Series III, vol. i, p. 297.
[2] Cf. *ante*, p. 89.
[3] Egle, *Life Curtin*, p. 269.
[4] *Ibid.*, p. 270.
[5] *O. R.*, Series III, vol. i, 336.
[6] Egle, *Life of Curtin*, p. 273.

the historic significance of the popular enthusiasm of the time, and the failure of the administration at Washington to comprehend and direct it. One may rejoin that the authorities were doing all they could in raising troops as they did. In fact, Curtin did this much more as other people would have done, and without an effort from Washington, excepting a nod of acceptance. Before the first military movement of Scott and McDowell was completed, the administration was trembling like an aspen leaf, every member save Lincoln[1] — "who was imperturbable" — quaking, if not shrieking for more troops, for anything to save Washington. This capacity of scare, this propensity to centre every weakness of the Union in Washington, was supreme. Whatever else failed — troops, money, or wisdom — here was enough; this emotion of fear was infinite in quantity, in quality it was despicable.

Before treating the movement to Bull Run, naturally suggested by the history of the Pennsylvania Reserves, we must refer to a few points especially interesting, both at home and abroad. One of these is the gradual subsidence of the impassioned hatred of treason at the North. May 27, the fiery "New York Tribune" had specified by name numerous civilians and soldiers who must succeed, or die as traitors. April 29, the sedate Suffolk Bar of Massachusetts, in resolutions bearing the signature of Benjamin F. Thomas, as chairman,[2] proclaimed that the rebellion was "treason without even forms of law." These lawyers expressed the heartiest sympathy for the government, with pride that the Chief

[1] I have this from a trustworthy eye-witness.

[2] *Mass. Exec. Files*, vol. 69, 23.

Magistrate of the Nation, and the Chief Magistrate of "our" Commonwealth were members of their own profession. They tendered professional service free of cost to families of soldiers, and advocated measures for "more thorough training of the militia."

Legally, the Confederates were held to be traitors in December, 1862, by the Supreme Court.[1] But Chief Justice Chase in 1868 affirmed that "very soon after the war began" the rights of belligerency canceled the odium of treason.[2] The rebellion was too large to be formulated in treason. The musket-volley and rifled shell do not pertain to those whom "faith unfaithful keeps falsely true."

This change of sentiment was recorded unconsciously by one of the most passionate as well as magnanimous of our patriots, John A. Andrew. He was attending Commencement in June at Cambridge, where they sang Psalm 78. On the sheet he penciled, "Gen[l] Scott, You have to-day *given* him a degree at the North — he will presently *take* several degrees to the South — where, as a Doctor of Laws, he will teach rebels (& ~~traitors~~) obedience."[3] The sentiment is pathetic in that it embodies the child-like confidence of the day, reposed in General Scott. Scratching and bracketing "traitors" marks the passing of personal hatred into the calm responsibility of a public officer.

The President, as we saw in his message, felt assured of virtual neutrality in Europe, resting on the belligerent rights of the Confederacy. In July, this assurance

[1] Miller, *Decisions*, vol. iv, 876.
[2] Wallace, *Reports*, December, 1868, p. 10.
[3] *Mass. Exec. Files*, vol. 166, 88.

was proved by flippant manifestations from various representatives of public opinion. In England, especially, Palmerston — whether a great or a lesser statesman — was English to the core. He told Belmont, "We do not like slavery, but we want cotton, and we dislike very much your Morrill tariff." "Punch," whose politics are more comprehensible always than its fun, said: —

> Though with the North we sympathize,
> It must not be forgotten
> That with the South we 've stronger ties
> Which are composed of cotton.

May 27, the "New York Tribune" printed Butler's phrase, "The negro must now be regarded as contraband."[1] Literally a happy thought. The poor Afro-American, whose wrongs had brought vengeance on both North and South, — hitherto ignored both in Confederate rebellion and Federal reaction, — was hovering about the camps, intuitively seeking war's desperate but absolute remedies. The great protagonist of jury-box and of political artifice deftly placed the negro in that category of goods, "which a neutral cannot send into either of the countries at war, without wrong to the other."

The mercurial "New York Tribune" voiced a restless public sentiment when, as early as June 26, it shrieked, "Forward to Richmond." On July 21, this movement opened a fated though not fatal scene in the Civil War, which at evening widened out into a tragical issue. Those living who participated with me in the battle of Bull Run will accept General Sherman's dictum of a "best planned and worst fought action."

[1] Cf. *infra*, p. 196.

Most of the causes leading to these results were inevitable; yet we can discern certain elements more pregnant and effective in the Federal than in the Confederate operations. The Confederacy had a new field, and so far as it could know, it put forward its most efficient men. The Union sent to the front what it could and must. Chief among Federal defects was the lack of an efficient general staff. And in all ways the Federal cause was incumbered by a line of brave and patriotic officers whom some good fairy ought to have knocked in the head. War is action incarnate; but these worthy gentlemen were drifting down into "set gray and apathetic" life. Beyond all delineation through the reason, there was something indescribable in their condition; and no one has defined it more sagaciously than Governor Andrew. Of a fine old regular officer he said, November 4, 1861, to Mr. Blair,[1] he has "not much realizing sense of the work in hand." In the postscript, he enlarges in the direction we are discussing; he would "not seem officious. But nearly all our mishaps from the first have been due to the sleeping confidence that all was well of the old army officers." They were so long used to "being protected by peace-officers, rather than guarding and defending us by their arms." Cannot this generation recall the perspective of that time, and recognize the deadly somnolence "dul in body and in soule" that could imagine itself awake.

In a large sense, perhaps, Bull Run affected Europe more than it did any portion of the United States. August 8, Adams wrote Seward[2] that the division of the

[1] *Mass. Exec. Files*, vol. 107, pp. 172, 173.

[2] MS. cited by Rhodes, vol. iii, 457.

Union was now held to be an accomplished fact. But Europe continued in its Platonic indifference, and would not yield the recognition sought by Confederate agents after their victory.

The people of the South exulted for the moment, but the Confederate government agreed with A. H. Stephens concerning the North, that "their defeat will increase their energy." Lincoln spent a sleepless night in making definite plans to remedy disaster.[1]

The shock to the complacent assurance of the Northern people, imparted by the casualties of Bull Run, was soon transformed into renewed activities in support of the administration. August 22, Governor Andrew speaks cheerily: "I think I perceive a reviving of the spirit of our people, and that encouragement and zealous effort from all in power, with the coöperation of private individuals, will render it general and successful, but we must strike immediately."[2] September 10, Governor E. D. Morgan of New York corroborates "an evident and favorable reaction manifest in all parts of the State."[3] The governors had been begging constantly for "regular" instructed officers to command the new organizations of volunteers. The "set gray" bureaucrats had clung to a myth, that in some impossible way the regular army would be secluded as a superior machine, and not become an influence radiating through its officers and permeating the great mass of the volunteers. General McClellan was more sagacious and tractable. August 24, he responded to Governor Andrew's appeal, "I do not think it possible to employ our army officers to more

[1] *O. R.*, Series III, vol. i, 425, 426.
[2] *Ibid.*, p. 443.
[3] *Ibid.*, p. 497.

advantage than in commanding divisions, brigades, and regiments of new troops." [1]

One of the few new military appointees at first and always successful was Montgomery C. Meigs, the quartermaster-general. Whether under the dilatory McClellan, the ferocious Stanton, or the imperturbable Grant, he was a great administrator. That he comprehended affairs with the grasp of a statesman appears in that Mr. Lincoln soon sent him to Missouri with Montgomery Blair of the cabinet, to aid in the very delicate task of ousting John C. Frémont.[2] A Georgian engineer of West Point, engaged in planning and accomplishing the great extensions of the Capitol from 1852, he may then have comprehended that the massive dome embraced the Union and not districts of States. He was made quartermaster-general in May, 1861. The "gret travayle and bysynes" of war in our army is rendered through the quartermaster's department into the common life of a fighting-machine. A modern army is the servant of communication as well as supply, and the quartermaster holds all these vital threads in his ready hand. The opinions of such a master in this direction have more than mere technical interest.

The wiseacres had nearly pushed through Congress a severe act constraining every officer in the quartermaster's department to "prevent frauds" by officers making contracts. August 2, General Meigs wrote to Senator Wilson [3] a manly remonstrance, saying such "red tape" would insure the success of the Southern

[1] *O. R.*, Series III, vol. i, 444.
[2] Rhodes, *U. S.*, vol. iii, 477.
[3] *O. R.*, Series III, vol. i, 378, 379.

rebels; "they are directed by one mind, prompt, determined, bold. They are not distracted by divided counsels, are not restrained by rules, laws, customs, precedents." Officers in his department were enormously strained, physically and mentally, to provide means for moving the army — wagons, animals, forage — as well as tents, clothing, etc., for thousands who were suffering for supplies. If, in addition, these officers must put "in writing every verbal contract on printed paper of a certain shape, take a certain oath before a magistrate," etc., etc., then our defeat would be assured. "The greater the fraud, the more perfect the papers. The law of 1861, chapter 84, section 10, in regard to making contracts, contains all that is really needed to secure the public." An admirable exposition of the inevitable opposition between the feeble civic checks of common life and the tyrannous necessity of war.

General Meigs was obliged to meet the tremendous exigencies of supply in this summer and autumn with forecast and energy equal to the strategic efforts of a great general. He was soon confronted by the immediate and pressing demands of the hour; having promised through his subordinates what the Treasury could not pay. His correspondence is characteristic and interesting. October 3, he writes Governor Morgan of New York: —

> While all agree that men are necessary, and to make these effective, equipments, wagons, and horses, yet the Treasury finds it difficult to meet the great calls which, at this time, when every soldier is to be provided with complete outfit, when every army is purchasing the means of transportation, are much heavier than they will be when the expendi-

ture is confined to keeping up a stock of animals, wagons, clothing, arms, and ammunition once provided and paid for. There may be delay in payment, though I have full confidence that the people will support the government to the last extremity. . . . No nation probably ever so quickly and so thoroughly organized and equipped so large an army and so nearly paid its way as we have done.[1]

November 16, he said to Colonel D. H. Vinton,[2] in charge at New York, and feeling the pressure at that great commercial centre: —

I know that injustice is done to all deserving contractors, who had the right to expect cash. I have asked for the remittance; I cannot make it, as I am not the banks, the capitalists, the people, nor the Secretary of the Treasury. Many other injustices are the result of this war, and great as this is, it is one of the least; so long as there are found merchants, manufacturers, or capitalists who will take the risk of supplying this department with clothing or other indispensable stores for the defense of the country, we must continue to exert ourselves to obtain them.

We cite these glowing phrases, not for their historic interest alone, but to reveal the citizen reciprocally bound with his fellows, and doing his whole duty to the state. Here was not a mere soldier or bureaucrat, but the man bent to the work in hand; just as Curtin raised the Pennsylvania Reserves.

We do not intend to set forth a financial any more than a military history of the Civil War. But certain facts must be entertained in this connection, for they are features of the time. It has been affirmed of Secretary Chase that, unlike Hamilton and financiers of

[1] *O. R.*, Series III, vol. i, 559.
[2] *Ibid.*, p. 649.

genius, he sought "the easiest instead of the best way."[1] He succeeded to a treasury exhausted either by necessity or design, and a government credit ten per cent below par in the open market. We would not underrate the great work of the secretary in conducting the Treasury; for in fact he pulled through the heaviest financial burden as yet recorded in history. But nowhere in the business of administration did the inadequate conception of the rebellion prevailing at Washington[2] produce more evil consequence than it did in forecasting the energies needed to secure the sinews of war.

Governor Boutwell, who worked with him in the closest relations of finance, said: "Mr. Chase's mental processes were slow, but time being given, he had the capacity to form sound opinions."[3] The financier "needs must" work quickly at times, when thorns of judgment should yield place to action which is "the perfection of thought." He was often "penny wise and pound foolish" in his measures, because the administration as a working body could not perceive that the wish — the active desire — for a speedy reduction of rebellion could become accomplished fact only by creating a force, unreasonable, tremendous, overwhelming in itself.

I remember some caricatures in the press, before we went out to Bull Run. A lusty boy extended his naked arm to the surgeon shrinking back with his lancet,

[1] Hepburn, *Sound Money*, p. 182.

[2] "In his report in December, 1861, Chase, still hopeful of an early cessation of the war, discussed two plans for the currency." — *Ibid.*, p. 179.

[3] Boutwell, *Sixty Years*, vol. i, 304.

and cried out, "Dr. Chase, we want to be taxed!" Taxes were applied sparingly [1] and did not yield largely at once, though the receipts became enormous during the progress of the war and after industrial life had expanded.

Chase was hampered greatly by the subtreasury system imposed by Jackson and Van Buren; a military chieftain's strong box hung round the neck of the most enterprising nation the world had known. To separate a nation's currency from the daily and natural working of its credits was a mediæval device worthy of weak politicians. Chase did not construe the system and use it liberally by depositing his funds in banks properly secured, as we have been obliged to do latterly; but he required the lenders and bankers taking his loans to carry their specie over to Cisco's vaults, there to be sequestered from the needy community that thirsted for it, as the hart pants after the water-brooks. Although banks and subtreasury were overflowing relatively with specie, both were obliged to suspend its payment [2] in December, 1861, in a semi-panic at the time of the surrender of Mason and Slidell. A mere accident of fate stopped the flow of specie; not inevitable to finance, but a disaster which cost the nation ultimately millions on millions. The expenditure of the United States — $60,000,000 in 1860 — mounted to $1,217,000,000 in 1865. A large fraction of this swollen increase was due to petty mistakes, far-reaching in their consequence.

January 13, 1862, Edwin M. Stanton became Secre-

[1] Hepburn, *Sound Money*, p. 182, confirmed by Adams in *Public Debts*.
[2] *Ibid.*, pp. 183, 184, and citing White, *Money and Banking*.

tary of War. The original cabinet was a result and consequence of the struggles against the extension of slavery. Now a Jackson Democrat and opponent of the Republicans, but one who had signalized his ardent devotion to the Union, was brought into the presidential family. This excellent statecraft emphasized Lincoln's purpose, and informed the people in the most direct manner that he would bring every possible element in the North to crush rebellion and restore order.

The political exigency was important, but the personality of the new secretary was even more weighty, as he brought his tremendous energy to the conduct of affairs snarled and confused by Cameron's faulty management. There was a seething vortex of patriotism and plunder encompassing the department of war. Cameron had proved incapable of organizing the one or controlling the other.[1] Descended from Quakers, Stanton's family was of New England stock transported into North Carolina. His mother was Virginian, and our subject was born in Ohio in 1814, a fair type of the middle West.

The boy was self-reliant and with immense energy, "somewhat imperious, never combative or abusive."[2] Distinguished at the bar, he was noted for exact knowledge of law and fact, and for unwearied labor in the preparation of his cases. Eloquent, his speeches had the stability of elaborate study, though unwritten, and the fervor of the living voice, though they were carefully prepared.

[1] Piatt, *Union Memories*, p. 59.

[2] Gorham, *Stanton*, vol. i, 9.

After Stanton's brief but very effective service as attorney-general in Buchanan's cabinet, he had little to do with national affairs until he was called to the War Department. This pregnant appointment was a romance such as seldom arises in public affairs. When both were young, Stanton, much the superior in legal position, abused Lincoln shamefully when they were employed in the same cause. At Washington he felt and openly expressed his contempt for Lincoln.[1] When Lincoln, serenely magnanimous, appointed his former presumptuous rival to such honorable service, Stanton could hardly believe the news. With the deepest emotion he promised his own friends absolute allegiance to the President. If the men had varied their paths and swerved apart in their development, the mature patriots agreed in every fibre, and their intercourse became the ideal of heroes and friends. John Hay said to Stanton in 1865, "Not every one knows as I do how close you stood to our lost leader; how he loved you and trusted you, and how vain were all the efforts to shake that trust and confidence, not lightly given and never withdrawn."[2]

Like all great men who master passing events and control those that are coming, Stanton was dominated by his imagination. Judge Holt said his loyalty to the Union was "a passion."[3] And this was not of the hasty sort, but an ardent, forceful intuition, which converted the least occasion into matter for forwarding the great cause in the largest way.

This tendency affected his faults, while it inspired

[1] Piatt, p. 56, and Gorham, vol. i, 224.

[2] Cited by Gorham, vol. i, 4.

[3] *Ibid.*, p. 159.

his forceful enterprise. It gave him power to infuse Congress with an energy much needed, and to project great armies into the field. But the same tendency at times prostrated the man in despair, when the minister needed every atom of courage to sustain immediate and necessary work. Adverse affairs not only "deepened the gloomy spells to which he was addicted, but made him so irritable and impatient that official business with subordinates got to be insult."[1] Passionate impulses also deflected his judgment sometimes. He lacked Lincoln's triumphant hope and serene courage, nor did he possess Grant's calm indifference to adverse circumstance. When on his gaining tack, he could inspire others very happily. His many bouts with Governor Andrew are suggestive, and he always appealed to the best motives in the impulsive Yankee. He had noble intercourse with Morton of Indiana. They seemed to play on each other, as one touches the strings of a responsive instrument. April 13, 1864, Stanton says, "Come, gird yourself up, and once more to the field, old chief, with every horse and man."[2]

The Puritan spirit was highly developed in Stanton, and in his youth he had written on the "Poetry of the Bible." When the victories at Forts Henry and Donelson and at Roanoke electrified the country, Greeley published, "But it is by the impassioned soul, the sleepless will, and the great practical talents of the Secretary of War that the vast power of the United States," etc. Stanton addressed the editor directly, repudiating such "undue merit." He claimed that "organizing victory" originated in infidel France and ended in Waterloo.

[1] Piatt, p. 62. [2] *O. R.*, Series III, vol. iv, 229.

"We owe our recent victories to the spirit of the Lord."[1]

Incorruptible, disregarding self and reputation, he lived only for the nation, as he conceived it. Charles A. Dana said, "He loved the American democracy, its ideas, its unity, its form of government, its mission among mankind, with a passion whose depth, constancy, and energy partook of fanaticism. This was the inspiration of his career and the source of his extraordinary capacity for the transaction of public business."[2]

As E. R. Hoar affirmed in the critical winter of 1860–61, he stood "between the living and the dead." Speaking of his faults, "He was said to be despotic and overbearing, and he may have been sometimes unjust; but his work was done in a time when there was little chance for deliberation. . . . But the American people knew that he was honest, able, and faithful. He never stopped for explanation or condescended to exculpate himself."[3]

A problem, political in effect, military in its working causes, was suddenly precipitated by General John C. Frémont. He was a type of the speculative adventurers, common in all ages, who demonstrate that the popular imagination cannot distinguish between what is notable and what ought to be famous. Superficial in every essential quality, excepting a pioneer's energy, he filled a great space in the public eye from 1856 to 1862. Apparently he had imposed the fiction on his wife, the daughter of Thomas H. Benton, virago as she was, that he was a great man. That such a woman

[1] Gorham, vol. i, 285.
[2] Cited *ibid.*, vol. ii, 467.
[3] *Ibid.*, p. 482.

could dare to tell Abraham Lincoln, more than once in an interview at midnight, that if such a man "should decide to try conclusions with me, he could set up for himself," [1] is a marvel of history — greater than any myth or story.

Nebulous dictators were impending in those days. The modest McClellan revealed in confidence to his wife his constant readiness to o'erleap himself at any favorable opportunity. This sadly incompetent general and amateur statesman, Frémont, was another possible recipient of potential, Napoleonic responsibility. Omniscient as they were, none of them were sagacious enough to perceive that the patient Lincoln already grasped in his knotted knuckles the substance of arbitrary power, in so far as possible under the forms of representative government.

The contraband question, initiated by Butler, was fast bringing the mastering influence of slavery into the domain of practical politics. The whole matter, vastly important as it was, constantly occupied President, cabinet, and Congress, being handled in a tentative way. Congress passed an Act of Confiscation, which was approved August 6.

This act and the instructions of the War Department provided, as far as possible, for maintaining rights of loyal masters, as they had existed. August 30, Frémont suddenly issued a proclamation for Missouri, confiscating their property and declaring their slaves to be free, and "set up a bureau of abolition." September 2, the President, in a kindly letter, begged his subordinate general to modify "of his own motion"

[1] Nicolay and Hay, vol. iv, 415.

the proclamation to conform to the Confiscation Act of Congress. The President stated that "liberating slaves of traitorous owners" would alarm Southern Union friends and precipitate disaster in Kentucky, and possibly in Maryland. Frémont declined to retract unless directly ordered, and the President, September 11, accordingly directed a change of the clause "in relation to the confiscation of property and the liberation of slaves" to conform to Act of Congress.

The mischief done by the rash and meddling Frémont — though he was promptly removed and replaced by a more competent soldier — was literally incalculable. It is true the radical Republicans and a few Northern Democrats supported the inchoate scheme. Sumner, impracticable as always when in actual contact with affairs, would have exalted Frémont. He wrote Lieber, "our President is now dictator, imperator — which you will; but how vain to have the power of a god and not to use it godlike!"[1]

Whether, if all had been put at hazard on one cast of the die, the North might have rallied to a propaganda of emancipation at this period, is a proposition belonging to an order of speculation not pertaining to history. The most significant sign of statesmanship, after Lincoln's own careful discerning and wise action, was in the course of Secretary Chase. No one was more judiciously ardent to destroy slavery, and no one was in closer touch with formative public sentiment, both in the West and in the East. McLean, of the "Cincinnati Enquirer," wrote Chase that in spite of the momentary clamor against slavery, nine tenths of the

[1] Pierce, *Sumner*, vol. iv, 42.

Democrats wanted peace. William Gray, a Boston Republican of the highest type, affirmed the same. Chase's massive judgment upheld the President fully in his judicious treatment of this delicate and difficult matter. But the mischief was done, nevertheless. A rift was opened between radicals and conservatives in the Republican organization. The Democrats were conciliated for the time by the moderation of the administration; so that the elections generally favored it in the autumn of 1861.[1]

A principle, potential in the conduct of the war as a business, was asserted and maintained by a committee of eminent Boston merchants, October 18, 1861. More or less clothing and supplies, as well as arms, were being imported from Europe. The committee proved that these goods could be made here as quickly as abroad; that foreign purchase would deprive our people of needed employment and our bankers of the specie destined to pay for the bonds of the United States issued by the Treasury; that bad economy and bad finance would induce bad patriotism. "It is the entire oneness of feeling and of interest between the government and the people of the loyal States, and entire confidence each in the other, that has induced the vast army now in the field to spring as one man to the defense of the nation."[2] These principles encouraged the patriotic energies of the people, and promoted the marvelous industrial development which, by organized manufacture and agricultural implements in the field,

[1] Cf. the thorough and temperate discussion of this engrossing episode, Rhodes, vol. iii, 468–487.

[2] *O. R.*, Series III, vol. i, 583.

produced both crops and commodities to support the nation.

Our small navy, now increased by the strenuous effort of Secretary Welles and his assistant, G. V. Fox, was becoming an important factor in the reduction of the rebellion. An efficient blockade was established, which virtually isolated the South, and threw it on its own resources.

General McClellan was drilling the Army of the Potomac thoroughly, and organizing for the victories hoped for, which never came. He was supported magnificently by public sentiment. General Scott was retired courteously, October 31, that nothing might conflict with McClellan's boundless and singular superiority. The enigmatic Cameron had been replaced at the turn of the year by Edwin M. Stanton, whose fierce energy became an essential element in the three years of war following.

Though General Scott was piqued and sore, he said nobly that his "ambitious junior" had "unquestionably very high qualifications for military command."[1] This candid and sagacious judgment impels us to wonder why the hero did not qualify even to success. Instructed as he was, beloved by his soldiers as he was, why did not "Little Mac" win? He was immersed not in swelling vanity, but in a sublime egotism which was worse, and that filled all objects with himself. Personally brave, he had not that comprehensive and extensive courage that incites whole armies to victory. The mechanical perception of the engineer was ever dispossessing the dynamic idea of the soldier, incarnate in

[1] *O. R.*, vol. xi, Pt. III, 6.

action. He had not the big heart that trusts a well-made plan to fellow-hearts in action; but cautiously he curled his legs beneath the table at headquarters, when he ought to have embraced the centaur-horse, neighing for the battle. We saw this too plainly in the field; and the revelations of his "Own Story" prove that the performance was not casual but constitutional and vital. His mind was filled with vague illusions of his own destiny, mystic dreams of a possible providence that should exalt him over the whole country when those "greatest geese of the cabinet"[1] should be out of his heroic way. This was not mere vanity, but a constant lack of that force, ever rare, which must not only plan but compel victory. When he was dodging the anxious President in October and November, he ought to have practically contrived to beat or at least injure severely Johnston, and to cut him off from Manassas Gap. Nothing is finer in Lincoln's whole conduct than his patient endurance at this time and his support of McClellan again, when the bombastic and beaten Pope made him about the only safe reliance of the administration. Again he lost at Antietam his opportunity, that to "those who doubt or hesitate, I answer not, and I return no more!" There he forgot that the business of a "reserve" is not to rest, but to serve powerfully in an exigency.

A thorough trial of McClellan by the administration was unavoidable; for such as he was, the country had to prove and endure him.[2] He formed the Army of the

[1] *Own Story*, pp. 167–169.

[2] "The designation of General McClellan is, therefore, in considerable degree the selection of the country, as well as of the Executive." — President's Message, December 3, 1861, *O. R.*, Series III, vol. i, 719.

Potomac, a great work in itself. Our business now is to consider his operations in this autumn and early winter. The present writer spent the winter in command of a field battery in Porter's Division, near Falls Church, Va. He is convinced the army might well have moved early in November. The weather was good until the 25th of November. McClellan was not quite ready; but he never would have been absolutely ready. He multiplied his enemy two or threefold; but that tendency was innate and chronic. Actually, he had two or three times the force[1] opposed to him, and his command was composed of as good half-seasoned troops as ever mustered under a battle-flag. Johnston was an excellent general, but the Army of Virginia was not then the trusty instrument it became under Lee. In drill and discipline it was certainly no better than the Army of the Potomac, which was nearer its base, and better supplied and equipped, especially in artillery.

It was an immense misfortune that he did not initiate a campaign, instead of being pushed forward by the President's direct order,[2] occasioned by Johnston's evacuation of Manassas, March 7. The hampering necessity — which afterward neutralized about one third of his force to protect a shivering cabinet in Washington — would not have been present and operative in an earlier

[1] Rhodes, vol. iii, 497.

[2] The War Order No. 3, March 11, 1862, was one of the President's "most far-reaching acts of military authority." (Nicolay and Hay, vol. v, 315.) This order removed McClellan from the chief command and sent him to the field for his campaign against Richmond. It made possible changes in the West affecting these departments under Halleck, and resulted in the battle of Pittsburg Landing or Shiloh. The victory here was felt through the war, though it was due to the troops and not to "Halleck or his subordinate commanders."

movement toward Manassas. Probably he would have been half whipped, as he generally was. The coming victories in Tennessee and at New Orleans would have been reinforced largely by stiff fighting in Virginia. Possibly the severe conflict and victory at Shiloh, half wasted as it was by Halleck's inertia, might not have been needed. Certainly action, even of McClellan's temperate sort, would have sapped the Confederate resources. The hammer of the Franks changed the fate of Europe at Tours. The hammer of Ulysses S. Grant broke the Confederacy. It would have shortened our war at least one half, conditions being as they were, if pounding with the Union's best instrument had begun in the melancholy days of autumn, instead of waiting for a late spring on the peninsula of Yorktown.

In comprehensive conduct of the war the administration was now adrift and only half conscious in its aims.[1] General Sherman was saying that 200,000 men would be required to open and control the Mississippi valley, and people called him crazy. Secretary Cameron — whatever his gifts or defects — was a masterly politician. His report of doings, showing affairs as regarded by politicians then, gives back a facetious note not even imagined by the humorous Lincoln in those days. The volunteers numbered 500,000. "So thoroughly roused was the national heart that I have no doubt this force would have been swollen to a million had not the department felt compelled to restrict it."[2] Then, like Jack Horner gloating over his plum, he

[1] Seward to Adams, about July 22, 1861: "The policy of the United States is not a creature of the government but an inspiration of the people." — *Seward at Washington, 1846–61*, p. 600.

[2] Report War Dept., December 1, 1861, *O. R.*, Series III, vol. i, 700.

cites Jomini and Napoleon, contrasting these results of the "wonderful strength of our institutions, without conscriptions, levies, or drafts."[1] Cameron could not perceive the humor of the situation then, and it became tragic for us in the drafts and riots of 1863.

Reverting to our view of the military necessities of slavery,[2] it might be said that we are debarred from speculative argument respecting what might have been done with the aroused strength of the nation. There is no parallel in the two cases. The administration, as Lincoln and Chase wisely decided, had no business with slavery in 1861; but the military situation demanded every possible effort strained to the uttermost. Cameron's revelation that they smothered "the national heart" was a criminal confession. If other States had been encouraged to emulate Pennsylvania in May, there would have been a million men — double the force afield — in the autumn, and they would have been efficiently organized like the Pennsylvania Reserves. Glacier-like, such an overwhelming power would have pushed even McClellan forward, and would have overcome the Confederacy before it could have rallied every available man, as it did in 1864.[3]

Resources were ample for every present emergency or possible endeavor. The President, in his temperate

[1] Report War Dept., December 1, 1861, *O. R.*, Series III, vol. i, 700.

[2] Cf. *ante*, p. 107.

[3] "Had the government been prepared to meet promptly with the overwhelming force which the loyal States could have supplied the first rebel armies, the rebellion might have been crushed without a long and desolating war, and without disturbance of the relations between the two races in the South." — November 18, 1862, Report, M. C. Meigs, Q.-G., *O. R.*, Series III, vol. ii, 809.

and judicious message, expressed the fullest confidence in the financial outlook and in the patriotic spirit of the people[1] — not yet differentiated into party action. Prudence, the art of securing present well-being, is a great virtue in small affairs. But statesmen must, unavoidably they must look into future time "er I was in the snare. Koude I not sen, that causeth now my care." The "national heart" knew what it was about in tendering a million men, while it was animated by one purpose and driven by one impulse — to put down rebellion.

The military conditions in the summer of 1862 were bringing out the tremendous powers immanent in the will of the two peoples, and now evolved by the conflict. The greater the forces elicited, the greater became the effect of individual mistakes. Stanton succumbed to bureau-miasma, even as Cameron had done. Deluded by incomplete success in the West, he stopped recruiting April 3, 1862. That this was most imprudent appeared to General Sherman at the time, as shown in confidential criticism to his brother. He did not believe the war ended, "or even fairly begun."[2] In three months the President was begging for instant dispatch of new recruits[3] in the ordinary course of the campaigns.

[1] "It is gratifying to know that the expenditures made necessary by the rebellion are not beyond the resources of the loyal people, and to believe that the same patriotism which has thus far sustained the government will continue to sustain it till peace and union shall again bless the land. . . . The number of troops tendered greatly exceeds the force which Congress authorized." — President's Message, December 3, 1861, *O. R.*, Series III, vol. i, 712.

[2] Cited by Rhodes, vol. iii, 637.

[3] July 3, 1862: "I should not want the half of 300,000 new troops, if I could have them now. If I had 50,000 additional troops here now, I believe I could substantially close the war in two weeks." — A. Lincoln, confidential to the loyal governors, *O. R.*, Series III, vol. ii, 200. And

McClellan went to the Chickahominy with more than 100,000 men, — fighting gallantly, when circumstances compelled, — then marched back again. Pope in action fraught with disaster, where McClellan's inaction only entailed repulse, carried a fine army to the verge of destruction. McClellan, little again even in his greatest acts, half-won at Antietam and lost the fruits of that desperate battle.

The immense importance of these operations in the field, a physical demonstration, was outweighed by the moral issues impending and now gathering to break out in storms which were to elevate the national sovereignty ultimately. This growing ascendency of an honest executive was evolving an opposition of discordant elements which was to array parties against this natural and inevitable result of governing principles, and was to neutralize by one half the powerful action of some of the great Northern States.

These moral issues, involving puzzling questions of government, uprooting property and social prestige hardly less potent, clustered about the enslavement of the African race. Such issues, immanent hitherto, were precipitated now into defined political action; that sort of achievement which is "the perfection and publication of thought." The emancipation of the negroes was virtually decided in two months of the early summer. The actual process and practical accomplishment of this social revolution involved some of the highest functions

yet in the next month the enthusiasm was being checked again. Thurlow Weed wrote to Stanton, August 15, 1862: "The popular feeling is at high war heat. It has cost much to get this steam up. Pray, do not require the governor 'to blow it off.'" — *Ibid.*, p. 393.

of executive power, which were hardly comprehended at the moment.

Sumner and Wade were blustering in Congress that the legislative power they fancied inherent in themselves,[1] and those like them, would be tyranny in a president; yet it is more than doubtful if the slaves could have been freed at any time by act of Congress. Mr. Lincoln's invincible sagacity divined that he might freely order armies and fleets, use public funds, conduct immediate affairs toward the execution of a popular will not yet expressed in legislation or formulated in representative action. That was a "military necessity" easily comprehended in the lurid light of war. To flippantly forestall the popular will, to avail of its half-formed impulses toward destroying institutions intertwined with the country's life, that would be executive action of another sort. Such contingency must proceed not from accidental defeat in the field; it would require a "strong necessitee fast tyde to Jove's eternall seat." The survivals of the kingly power, so often and happily exercised in this contest,[2] can never be formulated into acts of parliament or congress. Though quickly entertained by an intelligent people in what we call "the popular heart," they are beyond the perception and practical grasp of pragmatical statesmen like Charles Sumner.

The moral issue, the action through perfection of thought, was working itself out painfully, in the dark

[1] Seward wrote his wife: "Congress is occupied with great responsibilities, . . . especially the conduct of the war. In this they are representatives of the press, which they mistake for the people." — *Seward at Washington, 1861–72*, p. 23.

[2] Cf. *ante*, pp. xvi, 67.

days after McClellan's retreat. Facts and deeds had been forcing the issue. May 9, Major-General David Hunter, by an order, proclaimed the slaves free in his department of Georgia, Florida, and South Carolina. May 19, the President nullified this action not perfected in thought, proclaiming that the freeing of slaves would be his responsibility as Commander-in-Chief, questions "which I cannot feel justified in leaving to the decision of commanders in the field. These are totally different questions from those of police regulations in armies and camps." [1]

The military necessity proceeding from the Olympian seat of Jove did not run through Generals Frémont and Hunter, any more than it supernaturally inspired the violent debates of Sumner and Wade. The delicate nature of these transactions can be appreciated best if we study the varying expression of the friends of emancipation and of a radical policy. The warm and impulsive Andrew answered a call for troops, May 19, "I think they (our people) will feel that the draft is heavy on their patriotism. But if the President will sustain General Hunter, recognize all men, even black men, as legally capable of that loyalty the blacks are waiting to manifest, the roads will swarm, if need be, with multitudes whom New England would pour out to obey your call." [2] The calm and discreet Secretary Chase said to General Butler, June 24, "In my judgment, the military order of Hunter should have been

[1] *O. R.*, Series III, vol. ii, 43.

[2] *Ibid.*, p. 45. This momentary chill did not long affect Governor Andrew nor prevent prompt action. May 23, he wired, "Am making all preparations possible in advance of your directions. Make any requisition on me you desire, and we will do our utmost." — *Ibid.*, p. 66.

sustained. The President, who is as sound in head as he is excellent in heart, thought otherwise, and I, as in duty bound, submit my judgment to his." [1] On the other hand, Richard H. Dana wrote Sumner, June 7,[2] that the voters of Massachusetts would place themselves, three to one, in favor of the President in this action.

Nothing could exceed the wise and patient deliberation of Mr. Lincoln, as he took steps for his own action, perfecting his thought. June 18,[3] he read to Vice-President Hamlin a draft of a proclamation for emancipation. July 22,[4] he read to the whole cabinet the definite proclamation, which would emancipate the slaves January 1, 1863. All the members gave it complete or qualified support excepting Blair. But Seward, while fully approving, asked for delay, holding that it should be issued after a victory and not in the midst of defeat. This decided the President, who accordingly postponed action until after the battle of Antietam.

Knowing, as we now know, the earnest efforts of Lincoln to direct and manage slavery, — the disturbing cause of the conflict, — the radical opposition at the time seems almost incomprehensible. In July, Hill, the correspondent of the "Tribune," notes a disheartening conversation with General Wadsworth,[5] who had been in close converse with the President at the War Department many hours every day for several months. He regarded Lincoln as wholly "without anti-slavery instincts," as talking frequently of the "nigger question," on the wrong side. Much of this false impression was

[1] *O. R.*, III, vol. ii, p. 173.
[2] Rhodes, vol. iv, 66 n.
[3] *Ibid.*, p. 71.
[4] *Ibid.*, p. 69 n.
[5] MS. Papers, Rhodes, vol. iv, 64 n.

due to Lincoln's manner; not the morals of manners, but the "air and manner" more expressive than words. While he was grappling in his very soul with one of the largest moral questions ever treated practically by a ruler of men, his clownish exterior could disport itself before statesmen in buffoonery about the "nigger," adapted to the crowd in a tavern or grocery.

The radical hostility culminated in the famous Prayer of Twenty Millions, printed in the "Tribune" August 20, in which Horace Greeley posed for the whole people. "We require of you as the first servant of the republic, charged especially and preëminently with this duty, that you execute the laws. . . . We complain that the Union cause has suffered and is now suffering immensely from your mistaken deference to rebel slavery."[1] The true emancipator now appeared. The clownish child of nature quit his motley, and the man — in proper proportions of largest manhood — seized that opportunity he always loved to speak direct to the whole people. He answered the letter directly, not stopping to combat errors, or its "impatient and dictatorial tone." The President "would save the Union. If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it."[2]

That universal logic that underlies constitutional law was rendered here for the plain comprehension of any and

[1] Rhodes, vol. iv, 73.

[2] *O. R.*, Series III, vol. ii, 433.

every citizen, — an easy lesson in political science. The impossible ethics of the abolitionist, craving to include character and conduct in one individual action, were replaced here by the plain duty of any citizen. "Every subject's duty is the king's, but every subject's soul is his own." The moral universality of the Union overwhelms all else, while the accidental relation of master and slave is relegated to a new political category, preëminence of the Union, all things to the contrary notwithstanding. Lincoln, the man, struck home and touched the popular heart. This was proved by the refrain, in answer to a call for more troops, which rang through the Northern States like a soft Angelus bell, "We are coming, Father Abraham, three hundred thousand more."

September 23 the proclamation of emancipation — an experiment in government by decree, rare for us, but common in continental Europe[1] — was issued, to become the law of the land January 1, 1863. The consequences of this act, executive in the fullest sense, were far-reaching. When we consider the course of events as set forth in these pages, in that the whole power of the slave-masters had been arrayed in rebellion through the lapses of the Northern administration in the first year, it may be asserted safely that no other course than an emancipation of the slaves was possible now for a practical conduct of the war.

[1] "To an American, accustomed to see in the law the expression of the people's will, it must seem strange that the only distinction which may be made in Russia between a law and an administrative order is the fact of its passing through the deliberations of the council of state. In this way the same act which in France, for instance, would be considered as a proclamation, in the sense in which the word was used in the time of the Tudors and Stuarts, possesses in Russia the character of law." — Kovalesky, *Russian Political Institutions*, p. 170.

Ignored hitherto as a political factor in this absorbing drama, whether at Montgomery or at Washington, the negro had become a military force of the first importance. Experts agreed that these poor waifs, an errant factor in civilization, must be taken now from the ciphers dormant before the decimal, and be put into the working columns of figures which represented men. "The labor of the colored man supports the rebel soldier, enables him to leave his plantation to meet our armies, builds his fortifications, cooks his food, and sometimes aids him on picket by rare skill with the rifle," said General Meigs on November 18.[1] "By striking down this system of compulsory labor, which enables the leaders of the rebellion to control the resources of the people, the rebellion would die of itself," said Secretary Stanton, December 1.[2]

The immediate results were very disheartening to the President. "The North responds to the proclamation sufficiently in breath; but breath alone kills no rebels."[3] The radical Republicans welcomed it, but their constituents did not send out in recruits that strong adult element, the lusty thews and sinews from which the working military strength of a nation must be drawn. These constituents were brave and loyal, and were fairly well represented in the field, in proportion to the numbers at home. But in a military sense the radicals embodied the nervous force of the North, rather than the robust spirit and brawny muscle which should subdue the solid enforced strength of the Southern people.

From England the rejoining utterances are most inter-

[1] *O. R.*, Series III, vol. ii, 809.
[2] *Ibid.*, p. 912.
[3] Lincoln, *Complete Works*, vol. ii, 242.

esting. The overwhelming unfriendly majority spoke through the "Times." "The death of slavery must follow upon the success of the Confederates in this war." But Mr. Lincoln's emancipation "can only be effected by massacre and utter destruction."[1] Another sapient critic called the proclamation "the most unparalleled last card ever issued by a reckless gambler." Did ever wish and will so commingle in the thought? Our friends even did not comprehend the motives of the act, or recognize its constitutional scope. John Bright, addressing his own constituents, December 18, did not allude to it. Mill, however, spoke clearly in appreciation, as early as October. We cite these details from the world at large for their inherent interest, and for the reason that they throw light on the mind of alien elements at home, as will appear.

President Lincoln, after mature reflection, could say in his message, December 1:[2] "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew." For better, for worse, four millions of tribal Africans, chatteled in body and soul, were to be transformed into citizens of the greatest civilized state.

Secretary Stanton brought in a truly great account of military performance, whether in victory or defeat. But all his eloquence could not surpass these silent figures. December 1,[3] 800,000 men were under arms, and existing quotas would soon make this force one million. The same number of patriots that was thrust

[1] Cited, Rhodes, vol. iv, 344.

[2] *O. R.*, Series III, vol. ii, 897.

[3] *Ibid.*, p. 897.

forward by the eager loyal governors the preceding year, then discarded[1] to depress "the national heart" by bureaucratic Washington, now stood ready to enforce the national will. The million now was not enough, as the half of it had been far inadequate previously.

We began this chapter with a salient question: Why did not the loyal North quicker accomplish its great task, its comparative resources surpassing those of its weaker opponent as they did? We have brought forward some of the facts which obtained in the results as queried. Most historians and critics have blamed this or that immediate policy or general, or have praised General Lee for our delays and our losses. The President was often censured for interfering with generals and campaigns. Larger information proves that he was obliged to do this. In the extraordinary circumstances of the occasion he had to be literally Commander-in-Chief at times.

A much larger compelling cause than any of these factors is found in the inconstant purpose of the administration[2] when it mustered the force of the nation,

[1] Cf. *ante*, p. 114.

[2] John A. Andrew was not a model, but he had some of the large qualities of a statesman. Not from intellectual perception alone, but from his deep sympathies, he sometimes struck into the heart of a matter. He wrote to Bird in that complete harmony of intercourse that often brings out more than one man alone is capable of expressing: "The truth is, I never found in many men in Washington what I call realizing sense, practical sagacity, and victorious faith. . . . Where is the union of noble spirits, where the few noble and unselfish hearts? . . . We have very able men in Washington, but they have very little idea of what God made them for." — Cited, Browne, *Andrew*, p. 139. His estimate of Lincoln was radically wrong, as he finally saw for himself. Lincoln moved on heights and saw into depths which were quite beyond Andrew's scope. But we perceive in the above wanderings of an intense nature that Andrew comprehended Washington as a whole.

either military or financial. The fatal hesitancy in recruiting, constantly rebuked by loyal governors and patriotic leaders, entailed a draft and caused the slaughter of thousands.

President Lincoln, great in administering principles, petty in working out affairs, by his interference with business, rather increased than lessened the bureaucratic inertia incident to the process of government. The harness of routine enables little men to live respectably, but it compels larger ones into a lessening course of energy.

More comprehensive administration in 1861 would have suppressed the rebellion while that was the single issue of government. When the great issues involved emancipation, and parties divided for and against the administration in being, then new problems were instituted. Thomas H. Benton said:[1] "The government of the United States is a limited government, instituted for great national purposes, and for those only." Beyond question he represented deep convictions in our country. The course of events had at this time compelled us to define limits, not alone by legislative debate and judicial decision, but through action corresponding to Bismarck's "blood and iron." The action of political states and social communities, compelled, if not developed, by this force of arms, will afford the matter for our further studies.

[1] *Thirty Years*, vol. i, 25.

CHAPTER IV

STATE SUPPORT

IN the story of administration we alluded to political states and social communities within the northern portion of the Union. Maine said: "In every independent political community the power of using or directing the irresistible force stored up in the society resides in some person or combination of persons who belong to the society themselves."

Calhoun affirmed long before: "Although society and government are thus intimately connected with and dependent on each other, of the two society is the greater."

It is needless to say that in April, 1861, neither statesmen nor politicians at Washington took into account these great truths, adumbrated but hardly operative hitherto, in any form of political action. Society as a whole, — the large principles of association based on political conditions, on industry and the distribution of wealth, swayed by the forces of heredity and the ways of fashion, — that aggregate and resultant of the powers of civilization, has seldom been comprehended fully in the United States.[1] The rude assault on

[1] It may be said in passing that the chief power of President Roosevelt lies in his ready comprehension of this large truth. Generally he has appealed to large principles underlying political association, overlooking technical partisan organization. The whole people have quickly responded to this stalwart idea.

the body politic had affected these social institutions in their essential action; for government and society act and react, as the logical master of political science indicated. Certain sagacious men at the North, social leaders in the largest sense, saw at once that these prodigious forces must be economized and used in the new directions prescribed for government by the issues of the rebellion, or government itself would suffer. There was not only the question of helping forward necessary work, but the yet larger necessity of preventing impending harm by providing immediate and adequate outlets for the enormous floods of popular sympathy. The strength and courageous ardor of young men could be concentrated in bullet and bayonet. How should the passionate vehemence of the sympathizing sex, so powerful in America, be formulated and converted from social means to political ends?

Let us turn to the every-day occurrences of those times.[1] On the 15th of April, women of Bridgeport, Conn., of Charlestown, Mass., and a few days later some in Lowell, Mass., formed associations to strengthen the government and to assist it, if possible. The immediate questions, what is the best material for lint, how scrape and prepare it, could hardly absorb the gathering social energies of the country. In the last days of April, ninety-two ladies of New York city called a meeting at the Cooper Institute, in which Rev. Dr. Bellows and Dr. Elisha Harris participated, "their minds preoccupied with the necessity for some great exertion to preserve the health of the army now gathering."

Rev. Dr. Bellows with Doctors Van Buren, Harris,

[1] Stillé, *Sanitary Commission*, pp. 44, 47, 53, 58, 59, 69.

Harsen, went to Washington, in consequence of these various social proceedings, to lay the matter before the administration. They found all in confusion, respecting the immediate care of the troops. They were received with the greatest courtesy by the officials, owing to their high personal and professional standing, but not from any sympathy with their mission. The highest officials were rather suspicious or indifferent, the President himself regarding the movement as a "fifth wheel to the coach." The proposed voluntary assistance in caring for the health and in nursing the troops, "the zeal of the women and the activity of the men assisting them," was regarded by the men of the bureaus as likely to be more troublesome than useful. We must remark that this characteristic lethargy was manifested but a very few years after the necessary labors of Florence Nightingale in the Crimea astonished the whole world. Finally, Acting Surgeon-General Woods was moved and interested enough to approve and allow a commission in a modified, advisory relation to the Medical Department, and to care for the volunteers. General Woods reports to the Secretary of War, May 22:[1] "The Medical Bureau would in my judgment derive important and useful aid from the counsels and well-directed efforts of an intelligent and scientific commission, acting in coöperation," etc.

He recommended Henry W. Bellows, D. D., Professor A. Bache, Professor Wolcott Gibbs, Doctors Jeffries Wyman and W. H. Van Buren to constitute the commission, with power to fill vacancies and to appoint a competent secretary. Secretary Cameron approved and

[1] *O. R.*, Series III, vol. i, 224.

confirmed the appointments June 7:[1] the commission to "direct its inquiries to the principles and practices connected with the inspection of recruits and enlisted men, the sanitary condition of the volunteers, to the means of preserving and restoring the health and of securing the general comfort and efficiency of troops, to the proper provision of cooks, nurses, and hospitals, and to other subjects of like nature."

Thus was born the United States Sanitary Commission,[2] and it was developed out of the direst need of the moment. Its work was to be as comprehensive as its title: health out of sickness, out of wounds, and the order of death: health out of the moral disorder, whether present or impending at the North, though actual war might be pursuing its dreadful work far away.

Dr. Bellows was unanimously selected and chosen for the presidency. He combined the most powerful emotional nature with a good intellectual apparatus, capable of large views of the state and public policy; then a ready insight into the popular mind and feeling enabled him to sweep into efficient action all the varying currents of popular will. That his practical sagacity in action equaled and could re-create his pale cast of thought is shown in the fact that his plan of organization for this, the greatest ethical engine of the last century — struck out in a single morning — was hardly changed in all the actual work of the commission. Frederick Law Olmsted, the secretary, was the one man

[1] *O. R.*, Series III, vol. i, 258. And cf. *ibid.*, p. 308.

[2] Mr. Rhodes gives a graphic account of the Sanitary Commission, vol. v, 244–257.

of destiny for such place. It is obvious that the greatest president could not have forecasted the work, had it not been moulded, fashioned, and driven by an absolute master of detail. His self-effacement in his office was as remarkable as his masterly conduct of affairs.

In the enlarged military operations of the second year, the commission bore its part. September 17, 1862, President Bellows addressed an important letter to General Halleck, commander-in-chief.[1] "In perfect harmony with the Medical Bureau," the commission claimed that many "irregular and eccentric movements" used its name and asked for official sanction. The nation had already contributed $160,000, directly, with supplies to the value of $2,000,000 more. Therefore the commission asked for the confidence and "full moral support of the government."

Our energetic and comprehensive friend, General M. C. Meigs, who urged forward the administration so wisely in the previous year, now appeared in a somewhat critical letter to Dr. H. I. Bowditch.[2] Speaking in defense of the Quartermaster's Department he said: —

> There seems to be a desire in some quarters to make the Medical Department self-sustaining and independent of all aid or assistance from the quartermaster's, and indeed from all other departments. This is a mistake. . . . No nation has ever made, I believe, such large, such prodigious provision for its sick and wounded soldiers. It is the greatest charity on earth. It has been the duty of the Quartermaster's Department under my charge to make a part of this provision, and I believe it has been faithfully and efficiently done, but the nation gets not the credit it deserves.

Then he pays his respects pretty pungently to the

[1] *O. R.*, Series III, vol. ii, 564.

[2] *Ibid.*, pp. 697-703.

Sanitary Commission which had spread its flag over the fleet of transports, carrying the sick and wounded away from the Peninsula: —

Probably the Sanitary Commission spent upon this fleet, whose honors it carried off, $100 or $200 a day, while the niggardly government spent its daily thousands. Now, all this was well meant. There was no intention on the part of the gentlemen of the Sanitary Commission to claim for themselves undeserved credit, but the impression on the public is that detailed above; and it was most unjust and most injurious, though it doubtless swelled the contributions which they, I believe, faithfully disburse for the benefit of the soldier. Yet it did great injustice to the department and to the government whose large lump of dough their little leaven leavened.[1]

In the pregnant figure of the dough and leaven, the vigorous man of affairs confirms the motives and resultant action of the men who initiated and established the Sanitary Commission. They meant to project the fermenting force of the religious spirit of the North into the tented fields; to carry love with fury; to embrace tenderly, even when obliged to destroy ruthlessly in the strife of war. Secretary Stanton amplified this befitting theme in his report of December 1: —

The services of the medical profession have been voluntarily and gratuitously offered on every occasion. Relief associations in every State have done much to comfort and assist the sick and wounded in camps and hospitals, and their vigilant superintendence has perhaps operated to check the negligence, abuse, and fraud that too often prevail, even in such institutions. Religious congregations and societies have also tendered to the government their church buildings for hospitals, while their pastors have ministered to the patients.[2]

[1] *O. R.*, Series III, vol. ii, 702.

[2] *Ibid.*, p. 910.

In Indiana[1] there was some clashing of functions, because the local relief-societies would confine expenditure for the benefit of men of their own State. This was criticised by the Sanitary Commission as counteracting the larger national spirit and influence needed for the times. The appointment of a Western Sanitary Commission under the direction of Surgeon-General Woods, December 16, 1862,[2] met this difficulty.

Certain worthy persons, patriotic but limited in the scope of their vision, conceived that naked charity aided by science was not sufficiently clothed in a Christian garb. Hooker said, "There are in men operations, some natural, some supernatural, some politic, some finally ecclesiastical." It was thought that theological exegesis might reinforce and repair the lack of dogmatic domination in scientific benevolence and plain works of charity. The ways of love are various, but its issues are certain. The whole movement resulted in the formation of the U. S. Christian Commission,[3] an institution very useful in alleviating distress.

At the outbreak of rebellion, the women of the North in their self-consecration rivaled the men who offered their lives to their country. They required immediate work. April 23, 1861, the administration was glad to avail itself of the ability and experience of the life-

[1] The Indiana Sanitary Commission, "to care for Indiana troops first, then others," was rebuked by the U. S. Sanitary Commission. "Another development of state sovereignty; . . . against this stateish spirit, the Sanitary Commission set its face at all times." — Foulke, *Morton*, vol. i, 153.

[2] *O. R.*, Series III, vol. ii, 947.

[3] War Department to George H. Stuart, Chairman, *O. R.*, Series III, vol. i, 742: "This department is deeply interested in the 'spiritual good of the soldiers in our army,' as well as in their intellectual improvement and social and 'physical comfort.'"

long philanthropist, Miss Dorothea Dix. She was given charge of hospital methods by the War Department,[1] as recommended by the Medical Bureau; "also the regulations and routine through which the services of patriotic women are rendered available as nurses." It was necessary to specify by general order, June 9, that "women nurses should not reside in camps nor accompany regiments."[2]

Philosophers have conceived an "aggregate societary movement" carrying forward the work of civilization and including the varied issues of modern social living. It was certainly the spirit of this largest social life which Calhoun embodied in his counterpoised statement, where he placed society acting in correspondence with political government, and in a close encounter prevailing over it.

The great social functions initiated by the Sanitary Commission, as indicated by General Meigs and emphasized by Secretary Stanton,[3] penetrated the ways of practical government and brought into action higher civilizing forces than war had known before that day. As slavery was semi-barbaric and triumph of the Union would become an essential conquest of civilization, so the higher social movement, aroused and incurred by horrid war, carried the government with it and by it to a higher level of civilization.

Our political facility in America is so prominent and the work accomplished through it is so eminent that we often forget by what devious ways political development has come to its distinction. We must remember

[1] *O. R.*, Series III, vol. i, 107, 139, 217, 308.
[2] *Ibid.*, p. 262.
[3] Cf. *ante*, p. 130.

social principles, constantly inhering, productive in themselves and still larger through their influence over practical government — according to Calhoun. The Northern States, as we shall perceive,[1] put forth their political functions in strangely eccentric ways; beginning with the autumnal election of New York in 1862, and ending in the defeat of McClellan in the national campaign of 1864. Meanwhile the great agencies of society,[2] embodied in charitable associations stimulated by fashion, in church connections[3] inspired by religion,[4] in intellectual exercise enforced by science, conveyed the people and finally the government impelled by the people into political expression, enabling it to win victory over rebellion and to reëstablish the Union.

We must search more carefully into the nature of the societies which became States in our country. The English colonies painfully wrenched themselves away from the mother country and the stability of crown government. From colonists, tillers of the soil and planters, they were to become creators of new communities and

[1] *Infra*, p. 258.

[2] In the large cities, where the old-fashioned clubs were often inclined to sympathize with the South, new and powerful social clubs were formed to counteract the tendency. These became great social pivots on which Union sentiment could rally.

[3] The Methodist Church was a strong support of the administration, especially in the Western States. It was said of Bishop Simpson that he commanded his "corps" as vigorously as any general in the field.

[4] "I am greatly pleased at the determination so emphatically expressed by the United Presbyterian Church to 'uphold the government in all its lawful efforts to preserve the integrity of these States,' and with the earnestness of its appeal to all under its care 'to do what they can to support, defend, and perpetuate the free institutions bequeathed to us by our fathers.'" — July 16, Secretary Cameron, *O. R.*, Series III, vol. i, 333.

founders of sovereign States. Of the several States[1] we are considering, Pennsylvania has been mentioned already in the general course of administration.[2] She was neither Eastern nor Western in character. Greatly diversified in racial stocks, animated by the humane Quaker element, settled on lands rich in minerals, — and more immediately affluent in fertile fields, — she was a great conserving element of the time. As between Northeast, Northwest, and South, in the mid-nineteenth century, before the Mississippi had embraced and the Pacific slope had affected the old States, she was a literal keystone of the Union.

New York was a factor of another sort — a great reducing crucible of colonial and early state immigration. Bred in Europe or passing over from New England, her citizens partook of the intense Dutch temperament — powerful rather than expansive. Overflowing Eastern limits, these peoples swarmed through the Mohawk valley, growing larger through the opportunity of the beautiful interior lakes.

The Cumberland Road was a great and influential arterial communication through the Alleghanies; but the current of travel and intercommunication, resulting at last in the Erie Canal, was greater in effect. This migrating stream in and out of New York was a true American solvent as it spread over the prairies of the

[1] "Since the national administration had been from the first dependent on the State machinery for furnishing troops and to some extent for their equipment, the governors of the Northern States were larger factors in the conduct of the war than is easily made to appear in a history where the aim is to secure unity in the narration of crowded events." — Rhodes, *U. S.*, vol. iv, 182.

[2] Cf. *ante*, pp. 90, 92.

West. The "York State Yankee" was a well-recognized type in Ohio, Michigan, and the neighboring States in the fifties of the last century. And he was a most influential factor in amalgamating races and in shaping the destinies of these potent communities. Less incisive intellectually than his Yankee progenitor, he was broader socially and industrially. Animated by his Eastern culture, strengthened by his larger opportunity, he assimilated Western life on a scale more ample than his quicker-minded kinsman could comprehend. Everything cannot be produced and included in one cult and community. The intense local patriotism generally prevailing in American communities was not altogether apparent here. The cosmopolitan is not always the most effective citizen. Each of our other three commonwealths went through the Civil War with one governor, and practically with one purpose. New York lost relatively, by too much counsel and too many counselors.

Just now, studying the East and the West separately, we must look more precisely into the comparative structure of Massachusetts and Indiana. These are not exclusive types, but they are sufficient examples of the old and new tendencies of our life, as they prevailed in the sixties.

The historian of the Bay says, "The Massachusetts may be considered the parent of all the other colonies of New England."[1] This is strictly true. Roger Williams developed an idea larger than his little plantation and too large for the New England of his time. Conveyed in the mould of William Coddington's laws, it established itself against the opposition of Massachu-

[1] Hutchinson, *Mass. Bay*, vol. i, iii.

setts, and finally made a State. But the soul-liberty of Williams in the seventeenth century did not much affect New England. Massachusetts had the separatist[1] or radical element, as well as the larger Puritan constituent within her people. After the Antinomian controversy in the early days, the clergy were whipped into the Orthodox fold. There was a large liberal faction among the people, but it was generally outside the regular communion.[2]

It is not generally recognized that Connecticut was a much better developed Puritan community than Massachusetts. Thomas Hooker led an emigration into the Connecticut valley which both departed and differed from its parent colony in that it was a thoroughly homogeneous people. Hooker had conceived and worked out a system of civil government more advanced and more tenable than the average Puritan of the Bay could entertain. Hooker's polity as embodied in the charter, furnishing an even prosperity to an orderly community for a century and a half, proves the proposition. These settled Puritan characteristics went up the valley and possessed Vermont. The Bible was the basis and guide of Puritan[3] culture. Hooker so far separated his theory of the Bible and the practice of a state that his descendants could live under a representative government. He did not actually separate church and state in his Church

[1] Barry, *Mass.*, vol. i, 149, 150.

[2] Brooks Adams, *Emancipation of Mass.*, p. 79.

[3] "The Bible was to the Puritan what it had never been to any class or community of Christians. . . . Their love of liberty, their fidelity to conscience, their stern and heroic constancy in self-sacrifice, the penetrating intelligence in their institutions in their generous thoughtfulness for their posterity, . . . all were under the inspiration and guidance of the Bible." — Ellis, *Puritan Age in Mass.*, p. 125.

Discipline; but he so far established the functions of a state that a fiery priest could not go into town-meeting and put down John Doe and Richard Roe by "inspiration."

Institutions conveying the experience of the Old World did much in forming New England; the ingrained character of its people did more. The men and women of these communities began with certain innate qualities which went to the making of the future citizen of America. It is important to study the racial stock and social partitions which pervaded Massachusetts from the beginning. There are more lines of departure than are commonly comprehended. Every one knows the great Puritan features of organization — pastor and congregation, teachers, elders, and laity — which induced and supported family culture. But underlying and preceding these social institutions were the heredity and condition of the individual, which influenced every turn of affairs. An accurate observer has detailed these matters in a close study of an old town — Braintree, now Quincy.

The Crown always addresses representative Britain as "My Lords and Gentlemen." Lord Fairfax accomplished little in Virginia; Lords Say and Brook did less in New England. The English gentry, as well as that of other countries, was a great factor in the colonies. The Washingtons were conspicuously first; but there were many good seconds in all the colonies. Persons like Edmund and Judith Quincy were "the legitimate offspring of the old English landowners."[1] Of their kindred, Joanna Hoar has distinguished her descent

[1] C. F. Adams, *Three Episodes*, vol. ii, 699.

through many generations of patriots, including Evarts and other illustrious families.[1] Following closely and intermingling were the farmers, whom John Adams described in his own vigorous expression.[2] These farmers descended from yeomen of the feudal guard, and became "the yeomen or common people who have some lands of their own." Springing from these new yeomen came the mechanics, — a class increasing fast in New England, and represented in Quincy in the eighteenth century by John Marshall,[3] a mason, at sixty-seven cents per day. Milton's man and woman, a created essence, stand forth in the phrase, "labour still to dress this garden our pleasant task enjoined." Marshall labored, and his way of living is manifest in his comment at the death of Rev. Samuel Willard: "A person of excellent accomplishments, natural and acquired: an hard student, a powerful preacher of the word of God, an exemplary Christian: a mirror of all that is good."[4] Holinshed's "gentlemen be those whom their race and bloud, or at the least their vertues, do make noble and knowne." Not every gentlewoman was distinguished like Joanna Hoar, not every mechanic could express himself like John Marshall; but many have been those noble and known by their "vertue," and thick as leaves in Vallombrosa have been those modest men, stout-

[1] C. F. Adams, *Three Episodes*, vol. ii, p. 705.

[2] "Descent from a line of virtuous and independent New England farmers for a hundred and sixty years was a better foundation for (pride) than a descent through royal or noble scoundrels ever since the flood." — *Ibid.*, p. 712.

[3] His diary records "being at a great losse whether any true grace be wrought in my soul or no: corruption in me is very powerful; grace (if any) very weak and languid." — *Ibid.*, p. 718.

[4] *Ibid.*, p. 720.

hearted as any yeomen of the guard. Old Braintree was one town; but most early townships in New England were like it. These three orders of citizens were indissolubly combined in the fabric of the state.

Massachusetts, inspired by Cotton and governed by Winthrop, held more varied forces than Connecticut, and included more and more possibilities of civilization within the actual scope of her daily life as time went on. Her political exegesis was in abnormal form, for she was constantly trying to bring heaven and earth into one kind of political action. She was rid of Roger Williams, and more moderate statesmen, like Coddington, but soul-liberty was not annihilated or annulled; agony of spirit still possessed her. "The heroic struggle to break down the sacerdotal barrier, to popularize knowledge, and to liberate the mind began ages before the crucifixion upon Calvary; it still goes on. . . . In that drama Massachusetts has played her part; it may be said to have made her intellectual life." [1]

Such growth, such life of the mind and of the soul, naturally produced Garrison, as it entertained Webster and Everett. The culture of the community clung to the old ways in Webster's pupils and in Everett, but its passionate feeling shook the Commonwealth from Plymouth to Berkshire, when the people arose as one man to subdue the rebellion, and to reëstablish that order which is heaven's first law.

Crossing the mountain chain which divided East and West in those days, and descending the Ohio valley, we find another country and a different people. The States along the Ohio were the first American States as dis-

[1] Brooks Adams, *Emancipation of Mass.*, p. 42.

tinguished from European colonies. As Walker has shown, they were the first national product, — the spawn of the Union, so to speak. Moreover, they were settled by a population more thoroughly amalgamated than the Atlantic communities. The victories of George Rogers Clark over the Indians had opened the country both for political organization and for racial mixture. The ordinance of 1787 had limited the territory of slavery, and it had founded the educational system of the Northwest; or briefly, it had insured a triumphant civilization, animated by the spirit of the new Western world.

Kentucky and Ohio preceded, while Indiana was almost contemporary with the nineteenth century, drawing its population chiefly from Pennsylvania, the Carolinas, and Virginia, especially in the southern district.[1] With these immigrants from older communities was a large infusion of the essentially American and migratory population of frontiersmen from Kentucky and Tennessee. The northern district[2] was settled by people from the Middle States and from New England. There was more genius in the southern counties. Through all was scattered a strong element of Presbyterian Irish, which was to form the cutting edge of our

[1] I have drawn many social characteristics from Nicholson's *The Hoosiers*, and have used his authorities freely.

[2] . . . "prevented the self-denying missionaries of New England from making any considerable impression on the country south of the belt peopled by the current of migration from New England. The civilization of the broad wedge-shaped region on the north side of the Ohio River, which was settled by the Southern and Middle State people, and which is the great land of the Indian corn, has been evolved out of the healthier elements of its own native constitution." — Eggleston, *The Graysons*, p. 76. He says the latter region was indebted to New England in the early days for teachers, grammar, and arithmetic.

new American citizenship. Some were reckless adventurers, but they were mostly thrifty and full of energy. Andrew Jackson and Samuel Houston merely suggest the many names that adorn our fighting-list. Likewise in principle, race was much more intermingled in our early history than is generally supposed. The Egglestons found nineteen Swiss-descended names in the little town of Vevay alone.[1]

Lincoln's boyhood was spent in this State, and his early life in Illinois was not different. The picture of his surroundings[2] is very interesting, and may be applied in studying the beginnings of Indiana. As late as 1835, it was not dreamed that the great prairies would become settled communities; but they were viewed as extensive grazing plains for stock. The iron horse and the rail changed all that. The people were simple, living in a plain home, generally a log-cabin. A householder who squared his logs was known as Split-Log Mitchell. The folk wore homespun clothing, dyed with the butternut. The men made buttons, and the women dug roots for a decoction called tea. But there was plenty of game, bacon, and hoecake. There was no luxury while the life had its own stringent wants. When the axe was lost, there was panic in the family. There were many superstitions, and witchcraft tinged by African voodoo or magic was fully entertained.

Students should abandon the notion that because these pioneer communities were rough and rude they were essentially clownish or brutal. The Egglestons had good blood, and excellent opportunities for substan-

[1] *The First of the Hoosiers*, p. 69.

[2] Nicolay and Hay, vol. i, 39, 50, 52.

tial culture.[1] Abraham Lincoln inherited the strong traits of Nancy Hanks, though the family drooped for a time in squalid poverty. And wherever we find superior work, there will appear a good strain of blood influencing it, whether in New England or elsewhere.

"Manliness, honesty, and industry among men,[2] and a proud self-respect among women, were strongly marked in this typically Western backwoods community."[3] The Methodist preacher, hardly educated but very earnest, an effective agent in migratory civilization, "rode circuit." He prayed with the family, lectured the children gently, and was the shining light of a "local society" invited to meet him. There were many petty superstitions, and scriptural interpretation was absolutely literal.[4] Sternly Protestant, the people feared and hated Catholics.

Edward Eggleston makes merry over the "yellow" aspect of Indianapolis in 1840.[5] Clothes, soil, and floors, alkaline biscuit and fried middling, all were modulated in one hue and color. The culture if strong was rough. All America before the war was crude, but the Protestant Episcopal Bishop Upfold in 1863 was very harsh when he refused to "visit or officiate in any parish"[6] where flowers might be displayed in the service. It was considered that Indiana was profoundly moved by the Civil War, perhaps more than her neighbors.[7]

[1] Cf. *The Hoosiers*, Nicholson, p. 89; Eggleston, *The First of the Hoosiers*, pp. 59, 61.

[2] "The Broad Run people entertained a contempt for the law. A person mean enough to 'take the law onto' his neighbor was accounted 'too triflin' to be respectable." — Eggleston, *The Graysons*, p. 134.

[3] *Ibid.*, p. 88.

[4] *Ibid.*, pp. 94, 95, 117.

[5] Cited, Nicholson, p. 18.

[6] *Ibid.*, p. 63.

[7] *Ibid.*, p. 265.

Ohio and Illinois on either side were like, but in less degree. Kentucky was modified by slavery. Indiana was the most thorough amalgam produced by the first state migrations. The State did not touch the Alleghanies on the one side, nor the Mississippi on the other.

Oliver P. Morton, inaugurated governor in January, 1861, was a typical child of this community we have been sketching. Brought up by old-fashioned Scotch Presbyterian aunts until fifteen years old, his heredity marked his early development. Strong, earnest, logical, reading widely and devouring the Bible by the way, he revolted from the narrow religious cult prevailing, and became independent, as indicated by the well-known term "non-professor." At some sacrifice, being intensely studious, he obtained regular legal education; even attending school after his marriage. He was eloquent by strength, a powerful and successful advocate. Leaving the Democracy in 1854, he helped to organize the Republican party. Of unflinching courage and energy, skillful in handling men,[1] and above all clearly perceiving the impending issues, he became at thirty-eight years of age the natural chieftain of this crisis.

The marked and interesting contrast between Oliver P. Morton and Abraham Lincoln may be noted here. Lincoln learned by heart six books,[2] and these included Euclid, who furnished his penetrating and overwhelming logic. No one, not even Webster, excelled him in the

[1] "Morton was a great party leader. He had in this respect no superior in his time, save Lincoln alone." — Hoar, *Autobiography*, vol. ii, 75. "Tom" Reed, whose pungent sayings are not forgotten, said a statesman is a politician who is dead. Morton was more than a politician in his life.

[2] Nicolay and Hay, vol. i, 299.

grasp of a perplexed question and lucid power of statement. Morton,[1] on the other hand, had the advantage of schools, substantially good, and of the culture prevailing among intelligent and simply educated people. The minds of the men differed, and Morton's method was cyclopean. A voracious reader, he was fully armed, and could shatter his opponent's position with a single stroke. His own argument was not so succinct. He gathered materials in heaps, and did not build up a case in architectural development. Though the matter was exhausted when he had finished an argument, he did not leave the hearer entertaining a new and positive thing, an actual creation in place of the antecedent matter.

This engrossment in his subject reveals a strong phase of his character. He was not self-conscious, but was absorbed in the work of the moment, in the doing, and not standing without and exploiting the matter, for statement or otherwise. This faculty made him the great executive he was; and if Abraham Lincoln had had something more of the same Napoleonic power of action, it would have been a great boon to the American executive. President Lincoln, instead of doing the matter simply, generally stood outside and was making a case, which was handled before the American people in a masterly manner. Sincere in patriotic intent, he hardly ever lost himself in the force of creative action, whether manœuvring for a convention or laying plans for congressional legislation. In the largest executive sense the creative spirit, the eminent force of the immanent crises, did not enter

[1] Foulke, *Morton*, vol. ii, 507, 508.

into him and mould him to the work. Morton said to an immense multitude, January 22, "I am not here to argue questions of state equality, but to denounce treason and uphold the cause of the Union."[1] Such a speech naturally cleared the air.

Indiana was a mighty pivot between the elder East and the expanded Northwest, and Morton was a fit diamond point bearing the governmental structure. The disordered finances of the State were mended by a loan of $50,000, February 20. On March 8, a bill organizing the militia passed, notwithstanding a threatened bolt of the Democrats. After Sumter, the fire of patriotism blazed through people and parties, and for the time burned away everything poorer than itself. We who are to the manner born seldom — foreigners perhaps never — comprehend the marvelous civic gestation of those days. In political conditions where all people have opinions, and most express them freely, where the constable's badge is rare and an armed soldiery almost mythical, government strong and speedy had to be forged anew for the occasion. Three days before, the "Indianapolis Sentinel" had said, "Governor Morton could not make good his promises to the President of 6000 volunteers; the people of Indiana did not intend to engage in a crusade against the South."[2] Morton had to guard the office of the newspaper now in the cause of public order. The "Cincinnati Enquirer" in February had laughed at Morton, "His sword at his side, fe-fi-fo-fum."

[1] Foulke, *Morton*, vol. i, 102. I have drawn freely from this excellent biography.

[2] Cited, Foulke, vol. i, 115.

It is strange that Lincoln and Morton, bred in virtually the same way, — though Morton was more favored in early education, — should have differed so much in their conceptions of the constant power required to subdue the rebellion. Morton was in himself, by his own superior foresight and tremendous executive energy, the power needed for the occasion. Enough always meant for him the overwhelming heap which no bounding circumstance could render inadequate. The modicum of sense and quiet living can never be a revolutionary sufficiency. This appears in the swift recurring facts of the record, even more positively than can be stated now in sober words. That this overflowing patriotism did not exceed the limits of judgment is proved by the fact that he maintained himself in the governor's seat throughout the most fiery opposition ever known under constitutional forms. Morton was the embodiment of state support, federate government incarnate in the immediate local representative of the people ; not merely an instituted executive,[1] but a thinking, acting head, whom John Doe and Richard Roe recognized as their own essential chieftain and leader.

Morton had visited Washington in March and advised a vigorous policy against the rebellion as it then existed. He was engaged on the morning of April 15, and before the President's call for troops arrived he wired, " On behalf of the State of Indiana, I tender you for the defense of the nation and to uphold the authority of the government 10,000 men." [1] The quota under the proclamation calling for 75,000 was 4683 men for three months. The governor knew this to be inadequate, and

[1] *O. R.*, Series III, vol. i, 70.

on the 16th called out six regiments. The legislature, on receiving his message, promptly appropriated two millions, provided bonds for a loan, arranged a militia system, defined treason, etc. The military condition was the worst possible,[1] there being thirteen muskets and two rusty horse-pistols in the arsenal, and not five hundred stand of arms in the whole commonwealth.

Going back to our representative Eastern community, we must remember that Indiana was opposed to the extension of slavery, being turned from sympathy with the South by the aggressive Southern propaganda of 1854. Moreover, she had not experienced the thorough intellectual unrest of a Puritan community in the early nineteenth century. "Non-professors" like Morton were few and were misunderstood. Massachusetts, on the other hand, had been immersed in the constant "struggle to liberate the mind," already noted.[2] Her inherited tendencies from the seventeenth century were an active and never-ceasing factor in her enlargement. Though the "Unspotted Lambs of the World" have been matter for satirical censure on many occasions, they have been on the whole powerful opponents of wrong, whether political or ethical. While the West was against the *extension* of slavery, the great Puritan commonwealths were literally anti-slavery. It is true, Massachusetts bore Webster to exalt the Union, and furnished forth Everett in a forlorn hope to save it. Her mass was conservative, but her rising spirit was radical in the new agitations of the middle century. Her governor, John A. Andrew, inaugurated January 1, 1861, fairly represented the new wine which was bursting the old

[1] Foulke, *Morton*, vol. i, 110. [2] Cf. *ante*, p. 139.

bottles. I shall detail his personal characteristics in another connection.[1] In 1858 he had said, while arguing against the Dred Scott decision in the General Court, "The sun of a new morning begins to dawn. I see its foreshine already on the mountain-tops, when these opinions will be accepted and justified by the great heart and intellect of America."[2]

In a great meeting at the Tremont Temple he had said, "Whether the enterprise itself was one or the other, John Brown himself is right." In the vigorous words of "Warrington," Andrew was a "regular-built anti-slavery man for governor."

"Since they will have it so, — in the name of God, — Amen! Now let all the governors and chief men of the people see to it that war shall not cease until emancipation is secure." These were the words of Samuel G. Howe, April 13. Garrison, Howe, Phillips were of Massachusetts — all great names, but varying enormously in their individual powers, and in their practical effect on the Civil War. We have treated the abolitionists as a political element elsewhere; it is only necessary to mention Wendell Phillips as an individual. April 9, at New Bedford, he had argued long against coercion of the South[3] as being both wrong and unwise. He was a

[1] Cf. *infra*, p. 192. [2] Pearson, *Andrew*, vol. i, 79.

[3] Phillips was reported, "You cannot go through Massachusetts and recruit men to bombard Charleston or New Orleans. The Northern mind will not bear it. The first onset may be borne, . . . but the sober second thought of Massachusetts will be, 'wasteful, unchristian, guilty.' . . . If the administration provokes bloodshed, it is a trick — nothing else. It is the masterly cunning of the devil of compromise, the Secretary of State." — Schouler, *Massachusetts in the Civil War*, p. 45.

April 21, Phillips reversed his position in a rather clumsy manner, at Boston, but his final attitude was correct. "It is sublime to see the

marvel among men, in any time. A man of the highest intellectual calibre, of the purest ethical insight, and with inflexible sincerity of purpose from his own point of view, he was a political imbecile of the worst sort. No one better illustrated the strange fact that the thorough orator must speak; he cannot act. His great speech at New Bedford was not an accidental word; it was the typical, captious abortion of a gigantic scold. When all was over, he could not see, like Garrison, that the enormous forces of the Civil War had changed the inmost issues of American life, totally and forever. He went on even after the war, sounding his magnificent periods [1] and building up his climaxes in antediluvian speech. He lived in a sublimated, vitriolic atmosphere that common patriots could not breathe and assimilate. It showed the volcanic heat of the crisis, the Civil War, that Phillips, the abolition "come-outer," the old Massachusetts Whigs, the Indiana Calvinists and Methodist exhorters, — all these variously formed citizens were fused into one patriotic current that impelled each in his own community.

Fortunately, Andrew, though inspired for freedom, was not a "conscientiously rigid doctrinaire," for the statesman's forecasting insight animated his restless enthusiasm. Guided by Charles Francis Adams, the statesman, and John M. Forbes, the enlarged man of affairs, no one could have better handled the immense resources of Massachusetts in this instant need. In

rallying of a great people to the defense of the national honor." — *Ibid.*, p. 113.

[1] I saw a private letter from George William Curtis, at the time of the Phillips Phi Beta Kappa oration. He said it was not surpassed by Pericles.

every-day management he was assisted forcibly by Colonel Henry Lee, not to mention others. He had visited Washington in December and discovered that the South meant to fight. Conventions and resolutions would not stop a bullet. February 6, the governor persuaded his council to buy overcoats[1] and other equipments needed to mobilize the militia. For two months Boston jeered at this sagacious preparation, just as Morton's critics in Indiana laughed at him.[2] Seward had said that the new administration would be so embarrassed by the empty treasury that it might be necessary for Massachusetts to indorse the United States bonds.[3] In fact, individuals and corporations loaned liberally to the United States Treasury. The loyal States provided indiscriminately for the wants of the administration or their own. April 15, the Boston banks offered to the State $3,600,000, assuming that the General Court would legalize the obligations when it should meet. New York responded, also, in the most liberal manner.

Beyond all was the outpouring of popular feeling and enthusiasm. On Sunday, Fletcher Webster, from the rear of the Old State House, at a street meeting, offered to raise a regiment. When we remember his valiant death on the field, it is pathetic to read his request to Andrew a few days after for an interview "on matter of some delicacy for one moment."[4] On the 27th, at a vast meeting in Chester Square, Edward Everett spoke to the disciplined, conserving mind of the old Whigs:

[1] Schouler, *Massachusetts in the Civil War*, p. 35.
[2] Cf. *ante*, p. 145.
[3] Schouler, p. 37.
[4] *Mass. Exec. Files*, vol. 171, May 3, 1861.

"All former differences of opinion are swept away. We forget that we ever had been partisans. We remember only that we are Americans and that our country is in peril." [1]

Equally significant was the utterance of Benjamin F. Hallet, a consistent, life-long Democrat, at the same meeting. And from a flag-raising, May 1, he indorsed on the circular to Governor Andrew: "With Mr. Hallet's respects for the great administrative talent you have shown in this terrible crisis to our country, which God grant may pass over us, with the purification, without the desolation of the tempest." [2]

The spirit of the old Puritans now animated their descendants, and it blazed forth in the fiercest heat.

We may cite from the governor's rough draft of a statement issued Sunday noon, April 20, to the friends of the Fourth Regiment, apprising them of its safe arrival at Fortress Monroe: —

> The welfare of our gallant and patriotic citizen-soldiers, for whom every possible provision has been made or anticipated, will be carefully watched over, and friends and relatives they have left behind shall constantly read around their hearthstones the earliest reliable intelligence concerning the progress and achievements of these noble and patriotic regiments of Massachusetts volunteers, for whom the country has already one of the fairest pages in her history. [3]

This is a type of the constant energy and abounding sentiment of Andrew, seeking every opportunity to reach the heart of the people, out of his own earnest and overpowering devotion.

[1] Schouler, p. 115.

[2] *Mass. Exec. Files*, vol. 169, 43.

[3] *Ibid.*, vol. 129, 155.

In this connection we may note the pressure bearing on the government, before the Sanitary Commission was organized, to afford aid and comfort to the soldiers in every possible way — wise and unwise. Forbes, sensible as always, struck home;[1] the government had to allow individuals as such to contribute their efforts, to satisfy both the sentiment and practical views of the people.

A powerful union defense committee was formed in the city of New York, and the Committee of Correspondence, Hamilton Fish, W. M. Evarts, James T. Brady, John J. Cisco, Edwards Pierrepont, opened communication with Governor Andrew, April 24.[2]

An interesting phase of these mighty affairs is revealed through the action of Caleb Cushing, one of the most complex, capable, and, entertaining characters in all our history. When an upheaval of patriotic spirit brings all and every one to the surface, common policy and tact fail. The representative state must use all forces and avail of every individual within its limits — but how? Mr. Cushing offered his services to the governor, April 25, in an urgent note desiring "to discharge my

[1] To the governor, May 2, on ice, fresh meats, etc.: "I fear we have weeks and months of dull, hard work to keep our men in the necessaries of a soldier's life, in daily food, shelter, and clothes — and until we have fully cared for these, I want to have all the *fancy* work come in on the responsibility of individual good-will. By turning the Ice voyage to account for Hospital service and fresh rations, I hope we shall hit both the sentimental and practical views of the people." — *Mass. Exec. Files*, vol. 168, 168.

Dr. S. G. Howe reported on luxuries the same date: "Their principal value (and that is priceless) is in testimony of the patriotism of men and women who must do something for their country and for humanity." — Schouler, p. 154.

[2] *Mass. Exec. Files*, vol. 168, 157.

duty to our common country." [1] We must call attention to the consequent correspondence cited,[2] for it shows the inner situation, and exhibits the nature of the task of those governing the country.[3]

The inmost convictions of Massachusetts were wounded severely by the action of General Butler in Maryland, when he offered her troops on his way to Washington, to subdue a hypothetical insurrection of the negro slaves. Andrew took ground very sagaciously — as the ultimate negro problem was to prove — that the affair was a military matter, not to be embarrassed by political or even sentimental action. The citizens at home were moved to anxiety. Lewis Tappan, the famous abolitionist, remonstrated from New York. S. E. Sewall and others [4] wrote Governor Andrew; but perhaps the clearest voice was that of A. Henry Harlow of Worcester County, April 30, speaking for others as well as himself: "Can you assure us that if we enlist in the

[1] *Mass. Exec. Files*, vol. 169, 192.

[2] The Boston *Herald* cautions Governor Andrew, "Massachusetts wants no traitors to command troops."

O. C. B., Greencastle, Pa., April 22, advises the governor, knowing from Union men that C. Cushing, late President of the Charleston Convention, "spent yesterday, Sunday, at Hagerstown, Md., with well-known secessionists."

April 29, an anonymous correspondent at Worcester has seen Cushing's Union speech, but yet protests against him. About May 1, "Admirer of her Present Governor" says of Cushing: "Now in the name of the 'Triune God,' let me respectfully entreat that no son of my Native State ever be required to serve with, still less *under*, so vile and black a traitor." — *Mass. Exec. Files*, vol. 168, Nos. 146, 71, 20, 155.

[3] Cf. Pearson, *Andrew*, vol. i, 196–199, Andrew's refusal of Cushing, and Forbes's comment approving. It was a nice question between Butler and Cushing. Perhaps an uncertain statesman would have been better than a certain demagogue.

[4] *Mass. Exec. Files*, vol. 168, 92; vol. 169, 56.

war to put down treason, we shall not in any possible contingency be compelled to assist in quelling negro insurrection?"[1]

We may read between the lines symptoms of the grave troubles which were to come to the surface and vex the country in the year 1863. And the women — blessed creatures — they clung to the wheels of government at every precipitate turn, and they drove the governors to distraction. A commander-in-chief and father-of-his-people might expect all sorts of personal woes and complaints. The Files are full of these murmurs, as of fathers enlisting without knowledge of their families, etc. All of which agony Andrew soothed as best he could, in the most conscientious and faithful manner. But what should he say to the female Puritan when she came in the formal Protest of the Mothers and Sisters of Reading,[2] against "desecration of the *Sabbath* in camps," etc., and in moving troops so they must break the Sabbath, asking "to have the *Laws of God* obeyed," — a large contract for either masculine or feminine Puritan.

In this weltering tangle of agony and passion Andrew did not go mad, as might have been.[3] He had strong men and nimble workers to help him. It is

[1] *Mass. Exec. Files*, vol. 169, 17.

[2] *Ibid.*, vol. 172, August, 1861.

[3] In the midst of these troubles Andrew struck right and left at detractors and critics. October 31, 1863, he printed a circular to Hon. M. M. Fisher, Medway, concerning recruiting, and refuting certain stories about "shoddy" overcoats. "*So false* as to be strange and extraordinary, even if the atmosphere produced lies without human agency."

He protested to Generals Meigs and Banks: "If there is anything about which my conscience is clear, both before God and man, it is in regard to my earnest efforts to *serve and protect the soldiers* of Massachusetts.

cheering to read at every turn John M. Forbes's practical and eminently sensible sayings in words from his own elastic pen, before mechanical typewriters and bulky stub-pens marred the delicacy of personal intercourse. May 21, about many affairs; then "*Nota Bene*, I shall come to-morrow with a *Fast horse*, in hopes to carry you off beyond reach of your immediate persecutors."[1]

Massachusetts was liberating her mind. From the days of the Antinomian controversy, through the Halfway Covenant and the American Revolution, the Unitarian dispute and the abolition agitation, to the uprising of the Civil War, she grew in strength as she wrestled in her agony. Her quiet was unstable equilibrium. Other communities, especially in New England, were more or less similar; none excelled her in these vigorous attributes, and she used her whole strength to subdue the rebellion.

In his day, Charles Dickens was a great humorist, and he accented "red tape," the excessive attention to formality and routine, and made it immortal, when he festooned it around the Circumlocution Office of all governments. The government of the United States was not constructed to carry on war chiefly, and least of all carry it on among its own citizens. But whatever might fail the men in bureaus at Washington, their supply of red tape was ample in every contingency. Such energetic administrators as Andrew and Morton were constantly meshed in its entangling twists and knots.

And in respect to *those duties* I have never had a petition or a favorite, nor a disfavored nor a neglected corps." — *Mass. Exec. Files*, vol. 64, 61 D.

[1] *Ibid.*, vol. 170, 90.

Andrew let himself out in his own characteristic manner when he wrote the President[1] that his chief business was to act as if it were not. His apt phrase "took up the war" embodies the action of the loyal North. We have heretofore indicated[2] the deadly influence of this subtle administrative principle, as it often prevailed in the general government. The prevention and emendation of red tape was one of the largest functions of the loyal governors in the first two years of the war. No part of these studies is more important or more interesting, in the light thrown on the working of federal government, arising in the States and centring at Washington, or vice versa.

New York responded amply to the calls of the administration after the attack on Sumter. Governor Edwin D. Morgan could say truly in his message, "Her bankers, and particularly those of the city of New York, with a patriotism and an enlightened confidence which is a wonder to Europe and a marvel to ourselves, have furnished a most important element to the government."[3]

The United States Treasury in its turn placed $2,000,000 in the control of the Union Defense Committee, and Messrs. Dix, Blatchford, and Opdyke obtained instructions for expending it.[4] As illustrating the prompt support afforded by the great industrial corporations throughout the North, we may note the action of the

[1] "I beg leave to add, that, immediately upon receiving your proclamation we took up the war, and have carried on our part of it in the spirit in which we believe the Administration and the American People intend to act; namely, as if there was not an inch of red tape in the world." — May 3, 1861, Schouler, p. 130.

[2] Cf. *ante*, p. 75.

[3] *Message*, January 7, 1862, p. 2.

[4] *O. R.*, Series III, vol. i, 136.

Illinois Central Railroad Company [1] directed from New York, in keeping an "open highway." On the 24th the governor reported [2] eight thousand militia dispatched and several other regiments "perfectly impatient to start." July 26, the resources of the State were "nearly spent," but the executive of the great State went forward cheerfully,[3] in no fear of red tape. He tendered Parrott guns [4] to the War Department, but they were not needed.

The first actual assistance for the administration came from Pennsylvania on the evening of April 18. A body of five hundred and thirty men [5] without arms reached Washington, and Major McDowell took command. This was two days before the arrival of the Massachusetts Sixth, and the House of Representatives recorded its thanks July 22, 1861. The most powerful and far-reaching support of the government, in any one act by a single State, was in the levying of the Reserves by Curtin in Pennsylvania, which has been treated previously.[6] The governor and the arch-politician, Simon

[1] "Have in their control 110 engines and 2600 freight cars, and about 3500 men employed ; that the regular business of the company shall be set aside at any moment, and every facility which the utmost energy and an earnest desire to sustain the government can bring to bear shall be afforded." — *O. R.*, Series III, vol. i, 121.

[2] *Ibid.*, p. 108.

[3] To Secretary Seward : "I have no time to call the legislature, and there will be no doubt of the sanction of all proper acts done by me and no question save that of money. Ours is nearly spent, but if the General Government will make payment on account of past expenditures incurred all will go smoothly. I infer the government will make such payment and am acting accordingly." — *Ibid.*, p. 354.

[4] *Ibid.*, p. 347.

[5] Bates, *Pennsylvania*, vol. v, 7, 8.

[6] *Ante*, p. 90.

Cameron,[1] were far from friendly, but the patriotic spirit of the executive bursts forth in every line April 17, and the dispatch is typical of his energetic life during the whole war. "Volunteers are arriving, many of them without arms, and most of those in use unfit for active service. We have no ammunition. I wish to march them in large bodies and prepared to defend themselves. Shall I order the Philadelphia regiments to start?"[2]

Every possible faculty of an executive was needed in those days. The community was rich, but the state credit had been shattered by the onset of war. To these delicate problems of finance[3] the governor addressed himself with excellent sense. The cares of great expending and disbursing officers show in the appointment of a committee to supervise supplies and investigate frauds.[4] Curtin cared incessantly and in every way for the soldiers in the field, and his especial delegate, Dr. Robert K. Smith,[5] major, made himself felt throughout the hospitals.

Before discussing the particular action of the States in raising volunteers, we may glance at the message of

[1] A lady, who had every opportunity of knowing what the best men in Pennsylvania thought, told me that Cameron was a tremendous load for the administration in 1861. His appointment proceeded from the only bargain made before nomination, and it was not Lincoln's fault that he was in the War Department. She said when he left the War Department the Baltimore and Ohio Railroad telegraphed, "The devil is loose, thank Heaven!" What was the matter with Cameron? "His devotion to his own interests. Once, Pennsylvania wanted a regiment accepted. He replied that 'it could be taken, if sent by Harrisburg to come by Northern Central Railroad, which he controlled. He was a great politician, able, and never forgot his friends, nor his enemies."

[2] *O. R.*, Series III, vol. i, 82.

[3] Egle, *Curtin*, p. 154.

[4] *Pennsylvania Exec. Files*, Letter Book No. 12, June 1, 1861.

[5] *Ibid.*, p. 99.

the President, July 4, where he defined the true condition of the States, and their basis as a portion of the whole country: —

> The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution. The Union, and not themselves separately, procured their independence and their liberty. By conquest or purchase the Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and in fact created them as States.[1]

We must dwell on this masterly statement, for its true significance and overpowering weight were not fully comprehended, North or South, until four years later. As suggested heretofore,[2] the greatest mistake possible for any administration was committed by ours at this time.[3] It consisted in laying the Washington extinguisher, the quenching, benumbing influence of a great capital, on the energies of a whole people; instead of opening out all the possibilities of state support, — as developed by Governor Curtin[4] in the hard fact of 15,000 Pennsylvania Reserves, — and rallying that support in an overwhelming force before the rebel Confederacy could marshal its lesser people in its desperate struggles, 1862–65.

In spite of adverse influences, — Virginia, Kentucky,

[1] *O. R.*, Series III, vol. i, 317. "Our adversaries omit 'We the people,' and substitute 'We the deputies of the sovereign and independent States.' Why?" — *Ibid.*, p. 319.

[2] Cf. *ante*, p. 87.

[3] "One of the greatest perplexities of the government is to avoid receiving troops faster than it can provide for them." — President's Message, *O. R.*, Series III, vol. i, 316.

[4] Cf. *ibid.*, p. 218.

and Missouri refusing peremptorily to send the first quota of militia, and the executive of Delaware not coöperating, — these particular States furnished regiments. Maryland was prevented by the outbreak at Baltimore. All the other States in the loyal district[1] promptly sent their quotas toward the first 75,000 men. In the present view of the lamentable inefficiency shown by all the departments the first year at Washington, it is exquisitely funny to read Secretary Cameron's citations, with comments, from ex-Secretary Floyd's report. "Adequate preparations and a prompt advance of the army was an act of mercy and humanity to those deluded people of the Mormons at Utah, for it prevented the effusion of blood. I recommend the same vigorous and merciful policy now."[2]

In the beginning, very interesting complications had arisen, under some of the state laws, for handling the first quotas of militia; these will receive attention in another connection.[3] May 4, General Order No. 15[4] called for 42,034 men for three years — the nucleus of the actual army as distinguished from the militia, which had done such good service, who were minute men hurrying to the front. The powerful work of the great States is indicated in the stirring report of Governor E. D. Morgan to the War Department, though the same spirit prevailed everywhere.

[1] Red tape had not then arrived at waterproof caps and blankets in campaigning. "Some of the States of New England have sent their quotas forward equipped most admirably in this respect. I would recommend that this subject be commended to Congress for its favorable consideration." — *O. R.*, Series III, vol. i, 307.

[2] *Ibid.*, pp. 303–306.

[3] Cf. *infra*, p. 180 *et seq.*

[4] *O. R.*, Series III, vol. i, 151.

For our previous organization of troops we had a state law and funds. Both are now exhausted. I do not propose calling the legislature if it can be avoided, for that would produce delay; but I require specific directions as to the mode of organization,[1] and money or Treasury notes placed at my command now, as I wish to get out a general order, for which the people all over the State are anxiously waiting, and I have not information whether this 25,000 men are to be enrolled according to Orders No. 15, or under some law of the present Congress. That no time, however, shall be lost, I have already contracted. . . . I have unusual facilities now in getting supplies. With such [orders and funds] there is nothing I would not do for the government, and in the most prompt and effective manner which the exigencies require. I have no doubt of getting the troops.[2]

All kinds of management were used by the vigorous governors to stimulate the adminstration, — which was to move without punching or prodding after the coming battle of Bull Run, — and to induce the acceptance of more troops. We have seen that New York[3] was steadily putting forth its energies in filling its large quotas. June 12, Massachusetts had ready its six regiments called out, and Governor Andrew begged General Hiram Walbridge of New York to "procure a further requisition for ten regiments, thoroughly armed, equipped, clothed, and provided with tents, baggage train, rations, and subsistence stores; these advances will be made by this State."[4]

[1] Communicated August 3. *O. R.*, Series III, vol. i, 386.

[2] *Ibid.*, p. 361.

[3] The powerful Union Defense Committee telegraphed to the governors of thirteen States and received replies, stating the number and preparation of their forces. Messrs. Draper, Wetmore, and Evarts communicated this information to the War Department. — *Ibid.*, p. 148.

[4] *Ibid.*, pp. 268, 275, 282.

Were there ever such little kingdoms, within a great kingdom, in the history of government? At the same time Fletcher Webster had raised his regiment above mentioned, "which Hon. Daniel Webster's old friends very much wish to get into the service,"[1] in the words of President Lincoln, who took a hand with Senator Wilson in forcing it on the War Department. The whole matter issued in directly accepting the ten regiments, which included Webster's.

Some States[2] — as Ohio — had proposed to enlist their three months' men by regiments, having been led to expect a "unanimous" response. Only a portion of the men enlisted. Then Ohio proposed to disband them altogether after paying off. The President declined, to General McClellan, as "this would not only be to disappoint too rudely the patriotic order of these gallant volunteers, but it would be a breach of the public faith."[3]

While the Atlantic States thus flamed with excitement, what was the great West doing in these opening scenes of the tremendous drama? Never did clarion to "all the sensual world proclaim" more clearly than the voice of Oliver P. Morton as it sounded across the prairies of Indiana and echoed through the bureaus at Washington, which were busy, but not always operative. To the Secretary of War, April 19: "Twenty-four hundred men in camp and less than half of them armed. Why has there been so much delay in sending arms? We have received none, and cannot learn that they have ever been shipped. . . . Allow me to ask what is the cause of all this?"[4]

[1] *O. R.*, Series III, vol. i, 269, 271.

[2] For Pennsylvania, cf. *ibid.*, p. 178. [3] *Ibid.*, p. 266. [4] *Ibid.*, p. 89.

Again,[1] April 28:—

The organization of the six regiments required of Indiana has this day been completed. . . . I regret to add that great dissatisfaction prevails in the army with regard to the quality of the arms furnished, and the delay and uncertainty in the reception of stores and accoutrements. I hazard nothing in saying that a finer body of men has never been assembled on the continent. . . . This State is one of the four exposed by its geographical position to the immediate evils of civil war. . . . I trust that at least 20,000 stand of arms will be promptly shipped to this State.[2]

The transactions with the wavering State of Kentucky at this period are very interesting. Morton's ample energies overflowed, as it were, and did much to keep that State from drifting into the Confederacy. With Governor Dennison, he tried to get Governor Magoffin to attend a meeting at Cincinnati. The vacillating secessionist would not come, but sent his representative, Colonel Crittenden, to persuade Morton and Dennison to unite with him in a chimerical effort to bring about a truce between the general government and the seceded States until a meeting of Congress could be called in extraordinary session. Morton rebuked him severely and taught constitutional exposition in the briefest terms: "I hold that Indiana and Kentucky are but integral parts of the nation, bound to obey the requisitions of the President."[3] These peculiar conditions induced a close relationship between the loyal people of Ken-

[1] The enthusiastic *Cincinnati Commercial* said, as the troops passed through, "The governor of Indiana has out-generaled the governor of Ohio. The former has sent four admirably equipped regiments, and has two more ready to march. The governor of Ohio has not a single regiment." — Foulke, *Morton*, vol. i, 126.

[2] *Ibid.*, p. 125.

[3] *Ibid.*, p. 137.

tucky and Morton, who was like a foster-nurse to the half-orphaned State. After the battle of Shiloh, the omnipresent governor had chartered boats to bring home his own wounded. A Kentucky major tried to get a score on board those reserved boats. "But damn it, sir! is n't Morton governor of Kentucky? If he can care for our State, he certainly can protect you." [1]

In this summer the executives of the several States were straining every nerve to bring out the power of their peoples, and to muster every possible force, physical and moral, for effort in the great struggle. Governor Andrew, in accepting a resignation and granting honorable discharge, where there had been a misunderstanding, said, very well, in his abounding rhetoric: "Every citizen must yield everything to his country save Truth and Honor." [2] Governor Andrew received many petitions from the towns direct,[3] asking him to use the state credit and to push affairs in every way toward the suppression of the rebellion. Petty local jealousies creep in to stain the best work in the best times. Some expatriated Yankee was worried by Western newspapers, which clamored that New England, New York, and Pennsylvania were behind in filling their quotas, while Indiana was ahead. Andrew's most vigorous scrawl emphasizes on the report: "Will Mr. Drew see to this? Hurry up the statistics on this subject. I want to write a letter *immediately* to satisfy this class of . . ." [4]

The large States imported arms from Europe, and Massachusetts could say, October 11, 1861, that she

[1] Foulke, *Morton*, vol. i, 165.
[2] *Mass. Exec. Files*, vol. 2, 53.
[3] *Ibid.*, vol. 168.
[4] *Ibid.*, vol. 173, October 7, 1861.

had "taken pride in permitting none of her three years regiments to appear in Washington until fully equipped. This is the first instance in which she has asked the federal government to assist." [1] There was inevitable conflict in purchasing military supplies abroad between the federal and state governments. The national misfortune was that there was not more of it. If the administration could not grasp the rebellion in total, it would have been far better had it allowed the States which were parts, each to attack its own part in support, and thus to render the parts into the national whole. The small loss through competition abroad would have been recompensed a hundred fold by the large muster of well-equipped troops rendered absolutely necessary at each turn of the struggle. The strange somnolence of the administration is completely illustrated in letters of Governor Morgan [2] to the War Department, November 30, 1861. To the order stopping purchase of arms: "I beg to say that in view of the inability of the General Government to supply all the volunteers with arms the government of this State authorized the purchase of Enfield arms in England, some of which are still to arrive. No other purchase has been or will be made." To the order stopping recruiting: "I will, of course, comply with the wishes of the War Department in the respect named, but I beg to add that, unless the rebellion is crushed out by the 1st of February next, I shall ask the acceptance by the government of at least 25,000 additional volunteers from this State." The contrast is stupendous: existence in a bureau and the doing of the work, the

[1] *O. R.*, Series III, vol. i, 571. [2] *Ibid.*, p. 698.

account-maker and the actor, one gasping in a vacuum, the other breathing the free air of all the sky. There might be deficiency of money, powder, and ball in the War Department, but there was ample time and opportunity for politician's palaver. Secretary Cameron "thanks for the prompt and satisfactory manner in which you have responded to the call of the President" in a hundred forms throughout these records.

December 3, the War Department issued Order 105,[1] based on the fact that the 500,000 volunteers authorized had been raised. It overhauled the whole business of recruiting, and especially stopped the raising of more troops except on special requisition of the department. A better conceived plan for constraining and repressing the energies of the loyal people could not have been invented by a Circumlocution Office. One point desired was to restrain volunteer enlistment and encourage that of regulars. Governor Morgan, in mild but pungent irony, showed that the services were different, and that people volunteered "to defend their institutions rather than a desire to find employment."[2] He justly said that the spirit of the order would "touch the pride of the State." Secretary Cameron, with his eternally bland smile, "fully appreciates the ability and energy displayed by the authorities of the State of New York,"[3] but he does not modify the paralyzing influence of the order.

The reader must pardon these returns to an oft-told tale, for similar events, oft repeated, compel the record. And these events contain the essential history of the Civil War. The more one studies these movements

[1] *O. R.*, Series III, vol. i, 722. [2] *Ibid.*, p. 758. [3] *Ibid.*, p. 761.

of the departments, the more incomprehensible appear these violent and repeated interruptions of the recruiting service. No sooner were all the varied energies of local government stimulated and set at work than the national heart began to beat slower and strove to lessen all the vigorous efforts of the members. Or, as if a captain, having just replaced his storm-blown sails, should say, "Stop sewing and fitting, for we are heading into port with never a chance of another squall of wind."

Moving forward to the spring of 1862, the scene changes, and the men, while the country suffers from disabilities of another sort. Stanton had succeeded Cameron in the War Department, and brought in great energy. But Stanton, like many eminent men, great as he was in moving cabinets, misconceived when he imagined himself a strategist. McClellan was conducting his campaign on the Peninsula with a splendid army. Stonewall Jackson began the first of his large enterprises in the Shenandoah Valley, and struck terror into the bureaus at Washington. A portion of McDowell's right wing of the Peninsular army was diverted too late to save Banks from disastrous defeat. This "great scare" was memorable, even in that capital of scares. No strength was expended now in stopping off States from raising troops without "special" instructions. The electric wires burned May 19 under the force of the excitement. Secretary Stanton shrieks to all the loyal governors,[1] — Curtin, Morgan, and the rest, — "How soon can you raise six or more regiments?" or "one or more," as the case might be.

[1] *O. R.*, Series III, vol. ii, 44.

Andrew made one of his worst mistakes in responding: "A call so sudden and unforewarned finds me without materials for an intelligent reply. . . . If our people must fight rebels, who use their slaves against them, I think they will feel that the draft is heavy on their patriotism. But if the President will sustain General Hunter, recognize all men, even black men, as legally capable of that loyalty," [1] etc.

Such temporizing allegiance could not survive long in the resilient atmosphere of Massachusetts, nor was it the thorough feeling of her loyal governor. His true self speaks out May 23: "I am making all preparations possible in advance of your directions. Please make any requisition on me you desire, and we will do our utmost." [2] Morton was on deck, as usual, with five regiments, in "from four to six weeks." [3]

In view of the above-mentioned correspondence in December with Governor Morgan, there is ghastly satire in the dispatch, May 21, less than six months later: "Raise one regiment immediately. Raise as many thereafter as you can." [4] The governor answers with the dignity due from the principality which he directed: "It is essential that I fully understand in what manner the expenses attending this duty shall be met. The legislature of this State has made no appropriation applicable to the organization of additional volunteers. . . . I now ask that the General Government at once assumes the payment of all necessary expenses, and that all needful authority, therefore, be formally issued to me by return mail."

[1] *O. R.*, Series III, vol. ii, 45.
[2] *Ibid.*, p. 66.
[3] *Ibid.*, p. 46.
[4] *Ibid.*, p. 62.

Only stating the massive facts of the impending situation, he works on as patiently as if he had not been repeatedly snubbed in proffered service by the ruminating officials at Washington. Such were the burdens of the loyal States in the Civil War.

The sapient strategists at Washington had not yet exhausted the nervous energy devoted to mischief. May 25,[1] the telegraph flashes forth to Curtin, Andrew, and Sprague of Rhode Island: "Send all the troops forward that you can immediately. Banks is completely routed. The enemy are in large force, advancing on Harper's Ferry."[2] At the same time the secretary calls for the dispatch of the Seventh Regiment from New York. Governor Curtin was justly alarmed also, being threatened with the invasion of the Cumberland Valley. Then follows the secretary's report, the *same day*, that Banks had arrived near the Potomac, "having saved his trains and the chief part of his command."[3]

The Devil, convalescent, no longer a monk would be. The Seventh New York was on the march May 27, when the old chills for the recruiting in the great State returned. "We shall be able to procure promptly enough three years' men to serve. You will please accept no more for less term without special order."[4]

Congress also excelled at times in the evolution of how not to do it. It took upon itself to pursue Cameron after his retirement, for misfeasance in buying supplies and appointing agents without proper red tape. In the midst of this fearful excitement the President was

[1] *Mass. Exec. Files*, vol. 126, 101.
[2] *O. R.*, Series III, vol. ii, 70.
[3] *Ibid.*, p. 72.
[4] *Ibid.*, p. 86.

obliged to send a special message to Congress, wherein, as an example, he recited the necessary doings of the Union Defense Committee of New York to save the capital a year previous. He assumed full responsibility for the acts in question. "It is due Mr. Cameron to say that, although he fully approved the proceedings, they were not moved or suggested by himself, and that not only the President, but all the other heads of departments, were at least equally responsible with him for whatever error, wrong, or fault was committed in the premises." [1]

Friction often occurred, even when the best intentions prevailed. Secretary Stanton takes up a dispatch of Governor Curtin's to a third party: "I would be glad to have you specify what 'want of support from Washington has retarded your efforts,' in order that it may be corrected. It has been the desire of the department to act harmoniously with the state executives." [2]

At the same time, he grants the immediate want, the detail of one Captain Dodge. The same day the responsive Curtin wires, "Your dispatch relieves me. . . . Rest assured that there is no want of harmony in our intercourse. I only wish authority and assistance, and Pennsylvania shall far exceed all the previous efforts to crush the rebellion."

The secretary's personality was one of the most powerful and interesting developed during the war. McClellan and his friends misunderstood him, and slighted his efforts to sustain operations, suffering accordingly. The President as Commander-in-Chief was forced to interfere with inadequate generals, and Stan-

[1] *O. R.*, Series III, vol. ii, 74. [2] *Ibid.*, pp. 79, 80.

ton sometimes clashed with the Commander-in-Chief. He was without tact, and accordingly made things as hard as possible for every one. But his energy was unbounded; and it was inspired by a patriotism never surpassed in the history of our country or any other.

Governor Morton saw the great mistake made in stopping recruiting at this time in Indiana and protested against it. He was very anxious about Kentucky in June, and was reinforced by Robert Dale Owen [1] in his applications for arms which might be used in Kentucky. Governors Morgan [2] and Sprague had received commissions from the national government, and Morton desired a military command.[3]

After McClellan's "change of base" to the James River, the administration changed tone and purpose again, in respect of recruiting in the States. July 1, Secretary Seward [4] arranged with the Union Defense Committee in New York, and in consequence the loyal governors addressed a letter to the President advising a call for 300,000 or more troops. Mr. Lincoln concurred in the "views expressed to me in so patriotic a manner" and issued the call.

The Sanitary Commission, — that novel instrument acting between the throbbing heart of the many, the enlightened knowledge of a few, and the practiced routine of the executive, — that remarkable American organization, had been at work for fifteen months. July 21, on the occasion of these movements for recruiting the army, it attempted to bring the fruits of its observation and critical experience to bear on the action of

[1] *O. R.*, Series III, vol. ii, 109, 110.
[2] *Ibid.*, vol. i, 547.
[3] Foulke, *Morton*, vol. i, 180.
[4] *O. R.*, Series III, vol. ii, 187.

the administration. The studies pursued by this intelligent and far-sighted body of experts were about the first regular effort to investigate the science of war other than as an art for manœuvring troops against an enemy. How to get the men there, how to care for and keep them efficient, had received little attention, even from the masters like Frederick and Napoleon. In view of 300,000 more "raw recruits," the Commission addressed an elaborate and grave letter[1] of advice to the President. The "careless and superficial medical inspection" had made at least one quarter of the previous volunteers worse than useless; for the weak portion had filled the hospitals and disheartened the country. Some regiments left ten per cent in hospital before reaching the seat of war. "No national crisis can excuse the recruiting of such material." The Commission respectfully submitted that no new recruits should be accepted until examined by regular and experienced medical officers "entirely without personal interest in the filling up of any regiment." The "wan and wasted forms" carried North were teaching the people that our soldiers were "in far greater danger from disease than from the violence of their enemies." Sanitary practices had been constantly urged and the life of the camps greatly improved. The Commission begged that the new men be sent forward not by regiments, but as fast as they were collected and "digested into the body of the army, without sensibly diluting its discipline." It claimed that it suggested the plan on purely sanitary grounds, but it could be shown that "military and political wisdom are in exact har-

[1] *O. R.*, Series III, vol. ii, 235.

mony with sanitary requirements." August 5, when the draft was impending, the Commission referred to the above letter and addressed another,[1] even more pregnant in weighty suggestions. It asked that the militia be thoroughly organized under the inspection of federal officers, medical and military, and that the States should maintain in camps of instruction "a constant force of at least a million." "In the theory of our government every citizen is a soldier at the command of the President." They recite sanitary principles and affirm that nothing projected for the new recruiting will reach the soldier's difficulties and "restore the needed confidence." The actual and the largest trouble had been that our unseasoned men, worn by disease and battle, had been further depressed by necessary guard and fatigue duty, until their nervous exhaustion had extended to their friends at home and the whole country. The remedy must be large and deep going.

In the beginning of the war many hundred thousand men, not then able or disposed to volunteer at once, formed themselves into squads for military drill, thus recognizing the necessity for large reserves to be put in training. Government, however, did not avail itself in any manner of the great strength and security offered in this disposition of the people. . . . The disposition, however, still exists.[2]

. . . Suppose that a million men had thus been in a great measure detached in advance from their ordinary business entanglements and obligations, and each man accustomed, under training however imperfect, to act with others. When the sudden and urgent call for 300,000 volunteers was made a month ago, is it likely there would have been a month's delay in meeting it? . . . The number we have named as

[1] *O. R.*, Series III, vol. ii, p. 297. [2] *Ibid.*, p. 299.

proper to be kept in reserve will not be thought excessive when it is considered that, according to experience thus far in the war, 123,000 men must be annually recruited to maintain a force of 500,000 in the field in full strength.

And H. W. Bellows, W. H. Van Buren, C. R. Agnew, Wolcott Gibbs, George F. Strong, Frederick Law Olmsted, conclude in these words: "We finally beg to observe that the effective military force which a nation is able to sustain in the field, not that which it can raise under the spasmodic excitement of emergencies, is the measure of the respect and consideration it is likely to receive abroad as well as at home." [1]

It would be interesting to follow in further detail the operations of this great social and beneficent institution, did our limits and the larger functions of our work allow it. Figures can only show the bare facts involved. There was contributed to the work as reported May 1, 1866, $4,962,014.26.[2] The value of supplies in addition was estimated at fifteen millions of dollars. The attitude of the War Department was never avowedly hostile; it was rather negligent and indifferent. The Commission necessarily irritated certain high officials, but that irritation was a healthy stimulant.[3] "Nothing can be clearer than that the great reforms in the Medical Service of the Army would never have originated in official quarters." It afforded the greatest opportunity then known for woman to bring her great moral influence to bear directly on the issues of modern life. War can never be the field for love; but the inevitable horrors

[1] *O. R.*, Series III, vol. ii, 300.
[2] *Hist. U. S. Sanitary Commission*, p. 488.
[3] *Ibid.*, pp. 510, 513, 514.

of war may be somewhat mitigated by the mission and ministrations of woman.

The present writer has referred to his own experience in the field, especially in the sickening winter of McClellan's preparation and inaction; then in the weary, nugatory campaign on the Peninsula, including the vaulting over White Oak Bottom to the James River. Forty-three years of varied experience have not changed the impression derived from the plain facts so graphically set forth in these old records. The vivid sayings of the Commission prove that the main difficulties of the situation were comprehended by a few men then, just as clearly as they are perceived now, after the generations responsible for these awful lapses in government rest in death. The capital could not comprehend the people. Lincoln with all his political acumen seemed to falter when these great exigencies, these critical occasions, called for his executive action — for the exercise of his kingly prerogative. As we shall see, one or two years later[1] friends and foes in the parties called him tyrant and military despot when he had put forth the executive arm in the necessary work of freeing the slaves. At the moment we are considering, the Emancipation Proclamation was incubating in his portfolio, was gathering vital force in the minds of the cabinet for its final exposition. But the main perception, the leadership of the whole people, the incisive courage which would have prostrated the Seymours, Hendrickses, and their kind, under the tramp of the regularly drilled legions of the North, — this initiative was lacking in the politicians who were trimming ship at Washington.

[1] *Infra*, p. 233.

Andrew and Curtin, the steady Morgan and the invincible Morton, with their fellows, labored at their posts, while their vigorous counsel to the administration passed unheeded and was ineffective. The great social as well as political forces, indicated rather than described in this chapter, — family, church, and local State, — the enlightened benevolence and energy embodied in the Sanitary Commission, and the like, — all these corporate forces and institutions kept steadily at work, and at last they prevailed. What a saving of blood and treasure, of agony and endurance in these struggling peoples, both North and South, would have been made if the resources of the Northern States as States could have been a little better applied in the years 1861 and 1862 !

CHAPTER V

FEDERAL AND STATE INTEREFERNCE

IT was inevitable in the whirlwind of secession that the great States directed by the governors — who became inversely satraps of the people — should clash and conflict more or less with the national authority concentrated in Washington. This central administration was conducting a nation, not yet developed in its governmental functions, through the operations of a great war, occasioned by the threatened disruption of the central government itself. New methods were to be forged out which must be sustained and concurred in by the people, until through their representatives in Congress they could place the executive on a firm legislative basis. Meanwhile some conflicts between the executive of the whole and the various executives of the parts are exceedingly interesting. There are so many possible scions of governmental stock springing from an Anglo-Saxon community, developed by American life, that these features of the contest, especially in the first years, are worthy of attention. Independent state action by the record begins early; and there was much accomplished in this direction which never could be set down formally. In the instance we shall cite, the interference was of the most wholesome kind.

Governor Yates of Illinois reported to the War Department[1] that arrangements had been made at Cincin-

[1] *O. R.*, Series III, vol. i, 113.

nati and in Indiana to stop supplying provisions and articles of commerce to the South. The commerce of the river passing Cairo was even more important, and there being as yet no United States muster of the Illinois troops, the governor was obliged to direct his own officer "to seize munitions of war passing that point," though he did not assume the responsibility of stopping commercial intercourse.

President Lincoln declared commercial intercourse with the Confederacy unlawful under the authority of Congress, and the merchandise subject to confiscation; but there was considerable smuggling throughout the war,[1] and the commanding generals on both sides sometimes blinked at it for various reasons.

May 4, Morton, in a vigorous letter to the President,[2] opened a new issue in this direction, which might have induced large consequences for good or ill if the administration had ventured so far in a stringent policy against the doubtful States. The suggestion would have

[1] Cf. Rhodes, vol. iii, 546–552, for the internal condition of the Confederacy caused by the general suspension of commerce.

[2] "Many of the citizens of Indiana have large supplies of provisions, hay, etc., which they desire to sell and ship to the South, and many of them are now carrying on a brisk trade with Kentucky, from whence these articles are sent South. The mass of our people are greatly opposed to this trade, and in many instances have interfered and prevented it, partly by force. It is possible, may be probable, that Kentucky will maintain substantially a neutral position, which is the most that their so-called Union men pretend to hope for. For all purposes of trade, that is as fatal to us as though we were at war with them, more especially as the sympathies of Kentucky are all with the South. While I am very anxious not to unnecessarily multiply our enemies, will it not be well to cut off all trade with the States which refuse to fill your call for volunteers? The true Union men of those States will not object, I am sure, and the traitors cannot. I desire your attention to this matter that you may cause such advice and instructions." — *O. R.*, Series III, vol. i, 158.

cut off all trade with the States refusing their quotas of volunteers. Probably the particular action suggested and its general influence on the whole policy of the administration were alike distasteful to the President at this time. His mind did not run in that direction, and his executive ideas did not naturally force any one to the ringbolt. Whether the more forcible policy agreeable to the Mortons and Stevenses would have been more successful at this stage of the revolt is mere speculation.

I dilate on this theme, partly to indicate the line of separation in my criticism between the things that might have been done and the things which should have been done. Matters of administration, and those of great governmental policy, which would change the whole direction of the nation, are for distinct and separate treatment, as I regard them. The widening of the gulf, as by compulsion of the border States, or by emancipation, are topics differing in kind and absolutely from the conduct of campaigns, or the greater conduct which marshaled, or ought to have marshaled, the enormous resources of the North to immediate victory.

Among the powerful social agencies I have treated elsewhere, which directly supported the cause of the Union, none was more influential and effective than the Union Defense Committee of the city of New York. It furnished a nucleus for local patriotism and a ready pivot for national action, before the work of the departments and the State could be arranged and adjusted. When the bankers promptly loaned to the United States, and the Treasury immediately placed two millions at the disposal of the committee, the city was taking money

from one friendly pocket and putting it into the other. Forces so productive of governmental energy could not operate for long without conflicting with the regular and established functions of the body politic, whether at Washington or at Albany.

Accordingly conflict soon began. April 22, Major-General Wool, commanding the Department of the East, after consulting the governor, had been to New York and had lent himself to the plan of the committee "to save the capital." May 9,[1] he reported to the War Department all his operations, as they had been misconceived and censured, clearing himself from misfeasance. "It is due to myself to say that I made no contract of any kind whatever for the committee or in behalf of the government."

Mr. Bryce said that it was not necessary to discuss any of our systems of administration on their own merits, for the Americans had such facility they could succeed with the worst method. The above is a fair illustration. Here were at least three great powers working on the same problem, drawing succor from the same sources, and in competition more or less with each other. The War Department was over all; the State of New York possessed the men needed for the occasion. Major-General Wool, detailed from the War Department, virtually represented the national administration and half clothed the Union Defense Committee with authority to work outside and even beyond the legitimate prerogative of the State of New York.

May 15, the trouble culminated, for Secretary Cameron wired Governor Morgan that there is "misunder-

[1] *O. R.*, Series III, vol. i, 79.

standing" and he could accept only twenty-eight regiments instead of thirty-eight. In reply Governor Morgan ably stated the position of the State as a power, which is invincible. The legislature had authorized the enlistment and equipment of the thirty-eight regiments, and the governor had obtained actual acceptance of them from the War Department through the attorney-general of the State. The present ruling of the department would oblige the State to lose the expense of equipping ten regiments or break its faith in contracts, but the State did not propose to acquiesce in the beating administered to it, and now the inward and moving impulses came to the surface.[1]

I beg further to suggest that although the voluntary exertions of unofficial persons and bodies may evince commendable patriotism, yet their intervention between constituted authorities leads to irregularity, uncertainty, and inextricable confusion. The interference of private and unofficial persons, claiming to act under some kind of order from the General Government, with the movement of troops of this State has already been productive of mischief, and the offer by like persons of troops from this State to the General Government has, I presume, been the source of misunderstanding. This State will insist upon the regiments raised by its legally constituted authorities being received by the General Government, without regard to any you may receive tendered by individuals claiming to come from this State, some of whose offers are reported to have been accepted by the United States.

He sent his Judge-Advocate-General, Anthon, May 17,[2] to the War Department and to General Scott to adjust the matter.

Now appeared the representative of another element

[1] *O. R.*, Series III, vol. i, 204–206. [2] *Ibid.*, p. 211.

in the people, neither military nor legitimately civic in character; and this element in other places and in various forms will bring much interest to this division of our studies. In the new order being established, a portion of society was thrown out of its old political relations and found it difficult to catch the new movement, whether directed from Washington or controlled by the Republican officials of the States, more or less partisan in their inclinations. There was an immense force in the process of volunteer-enlistment which was Democratic and "worldly," as distinguished from the Puritanic idea of righteousness that had entered so largely into the Anti-slavery and Republican agitation. Where there was sufficient tact in the Republican officials this element was duly welcomed and utilized, but it was not always so.

Daniel E. Sickles was a type of these patriots who had changed heart suddenly and properly, as the guns sounded in the attack on Sumter. His previous position had been well understood; his open sympathy with the South had been only too apparent.[1] He was a brave soldier of fortune — in a good sense — and a man of great force of character and power of will who was to play a prominent part as general, even commanding our left wing at Gettysburg. He had represented the turbulent Democracy of New York city in Congress. The President — excellent in such manœuvres — naturally opened himself to a citizen so potent and representing

[1] December 10, 1860, he said on the floor of Congress: "In the event of secession in the South, New York city would free herself from the hated Republican government of New York, and throw open her ports to free commerce." — Cited, Burgess, *Civil War and the Constitution*, vol. i, 147.

political forces that had not acted hitherto with the neighboring Republican officials. May 18,[1] Secretary Cameron, by direction of the President, wired both Governor Morgan and Chairman Hamilton Fish of the Union Defense Committee that General Sickles's brigade of five regiments would be accepted and included in the fourteen regiments coming from the committee. On the same day Simeon Draper wired[2] for the committee that there is no such brigade known as that of "Mr. Sickles. Probably the action of the department is based upon some future organization of a brigade." May 21, Sickles wired: "All right with U. D. Committee and Governor."[3] May 22, Acting Brigadier-General Sickles wired General Scott: "My brigade awaits his orders."[4] The politician-general evidently confided, with Mr. Micawber, in things "to turn up," for on the 26th Colonel Franklin, representing the War Department in New York, thought the few men gathered ought to be disbanded. "He [Sickles] requires two or three days' notice to bring his men together. I have no idea he can raise them."[5] June 27, Secretary Cameron wired curtly, "If the five regiments [of Sickles] are not ready within three days they cannot be received."[6] But the irrepressible "Mr. Sickles" could stretch three days into a month, and probably Bull Run had extended the patience of the department. For July 23,[7] one regiment was off actually, with two more to follow next day.

Returning to the larger difficulty between the State and the powerful association of the Union Defense

[1] *O. R.*, Series III, vol. i, 215.
[2] *Ibid.*
[3] *Ibid.*, p. 223.
[4] *Ibid.*, p. 227.
[5] *Ibid.*, p. 236.
[6] *Ibid.*, p. 299.
[7] *Ibid.*, p. 344.

Committee, Colonel Franklin had been busy in negotiating an accommodation. May 27, by agreement, he had reduced by six the whole thirty-eight regiments proffered from the State, but reported,[1] "nevertheless, much confusion and clashing caused by the adverse opinions and interests of those engaged in raising and equipping these regiments." He thought the whole difficulty would have been avoided by the presence of a capable representative of high rank from the War Department, and he recommended Colonel (afterward General) Keyes, for future service in the post. In another dispatch of the same date "the difficulty between the governor and the Defense Committee is only partially healed;"[2] but on the 28th he reported, "Things are now harmonious between them." Such were some of the amenities of recruiting in a great war.

A much more serious matter must now be entertained, for it affected the organization of the Union in its vital parts. It may be best to approach the main question in the order of events which led up to the difference, which might have been a conflict, between the powers of the general government and those of the States. May 21,[3] Governor Morgan wrote Secretary Cameron, reiterating that Major-Generals Dix and Wadsworth had been appointed to command the first seventeen regiments of volunteers called out for three years. He asked for authority to appoint two additional major-generals and four brigadiers. May 24,[4] Secretary Cameron replied: —

[1] *O. R.*, Series III, vol. i, 237.
[2] *Ibid.*, pp. 238, 241.
[3] *Ibid.*, p. 223.
[4] *Ibid.*, p. 233.

This Department does not at this time desire the appointment of additional major or brigadier generals by governors of States. I inclose a copy of Orders No. 15, by reference to which you will perceive that these officers are appointed by the President to command the second quota of your troops.

None are so blind as those who will not see, for on the 28th the governor reiterated his appointment of Generals Dix and Wadsworth: —

Of the character of these two gentlemen it is quite needless for me to speak. They are too well known to you to require that. . . . For reasons which I trust are without foundation, Generals Dix and Wadsworth are somewhat apprehensive that they may not be recognized at Washington. But believing as I do that they will render eminent service to the country, that their acceptance would be in strict conformity with the requisition already referred to from your department, and in conformity with the expectations of the people of this State, who have furnished forty-six regiments to the war, beside eleven sent in April to defend Washington, I confidently expect a favorable acknowledgment.[1]

Secretary Cameron acknowledged, June 3, inclosing Order 15 again, and highly complimenting Messrs. Dix and Wadsworth. "Yet to have suspended the order in this case would have required the President to surrender the appointments to the state authorities in nearly or quite every other case."[2]

The personal difficulty was abrogated and reconciled afterward by the appointment of Messrs. Dix and Wadsworth to be major-generals. But the principle involved was too large to be yielded up by the administration, and New York struggled hard before she gave up the control of her militia that it might be

[1] *O. R.*, Series III, vol. i, 241. [2] *Ibid.*, p. 246.

amalgamated with the volunteers in an army.[1] The variance between the military powers or organization of the State and of the national government now had to be adjusted and accommodated. May 25, Governor Morgan requested Lieutenant-Governor Campbell to visit Washington and lay the matter formally before the Secretary of War, bearing the claim of the Board of State Officers "to have the proportionate number of general officers appointed or elected by the state authorities of this State."[2] After due interviews, on the 4th of June the lieutenant-governor addressed the secretary that the negotiations might be recorded. After reciting the circumstances, he stated: —

> You announced the irrevocable determination of the United States to appoint the general officers for the forces furnished by the government of New York, and to refuse to receive those forces in the event that such determination should not be acceded to. I deem it my duty respectfully but firmly to protest against this determination. It imposes on the Board of State Officers, unless they submit to it, the necessity of violating the laws and constitution of the State of New York, which have been framed in conformity to the Constitution of the United States. It destroys and dishonors the distinctive character of the militia of the States, which is adapted to the habits and endeared to the minds of the people.[3]

The New York militia law, submitted together with the Board's report and the protest, made all the officers elective: captains, subalterns, and non-commissioned by ballot of the privates; field and general officers by bal-

[1] "The essential characteristics of an army, by which it is distinguished from other assemblages of armed men, are its national character — that is, its representing more or less the will and the power of the nation or its rulers, and its organization." — *Encyc. Brit.*

[2] *O. R.*, Series III, vol. i, 235. [3] *Ibid.*, p. 249.

lot of the commissioned officers.[1] This instance of "particularism" was stoutly contested, and the case of New York was ably and amply argued by its officials. The Board set forth to Governor Morgan the "extraordinary collision between the general and state governments,"[2] stating that the President had called out the militia —

> under a specific grant of power in the Constitution . . . Congress shall have power to "provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers." . . . There was deep and prophetic jealousy of military power which was embodied in these provisions of the Constitution. The military arm was subjected to the paramount direction of the national authority, but the right arm, whose million sinews are strung in the militia alone, was guarded by rooting it in the local pride and spirit and subordinate sovereignty of the States. . . . It will not do to say that the President has only taken the responsibility of a series of acts without authority of law, trusting for his justification to the public exigencies and peril, and to the sanction of Congress, by public law, when it shall assemble in July.[3] . . . We call on the Executive Council of this State to persevere in a firm and respectful maintenance of its rightful authority over its militia, and on our members of Congress to unite in holding the national administration to a strict conformity in this regard to the letter and spirit of the Constitution.

"Subordinate sovereignty" of the States sounds like special pleading; and probably the law officers of the

[1] *O. R.*, Series III, vol. i, 251. [2] *Ibid.*, pp. 252–254.

[3] By Acts July 22, 25, the President was authorized to call out volunteers and to appoint their general officers, with the consent of the Senate.

United States properly distinguished between militia called out on an emergency and volunteers for three years, in a tremendous war involving the national existence. But the state officials on the whole argued well for their conviction; there being some ground for their technical case from the state-militia point of view. Yet it was an absurd proposition in essential government. A great army commanded by major-generals elected by ballots of soldiers or others would be an incomprehensible machine. The methods of military and political procedure differ absolutely. General Meade, when commanding the Fifth Corps A. P., prohibited some gathering of privates initiated by circulars from home. Properly, he would have no "town meetings" in the field.

New York was a great commonwealth, but not being large enough to discern this overwhelming principle of government, she was deprived of her ideas of military organization as a curb gathering or town meeting would have been. I have criticised the President for many defects in administration,[1] and ought to emphasize this wise and energetic use of his reserved prerogatives on a very important occasion. It was in the 'littles making a mickle' wherein he often erred. But practically, he never failed when the mickle reaching downward to the people was presented to him in due proportion. Bear in mind that this vigorous procedure with a coöperating yet subordinate state as large as a European

[1] Petty manœuvres sometimes occupied the President too much. In the large features of executive action, where his prerogative would act effectively upon the people, he was a great ruler. In his free revelations to Swett, he said, "I may not have made as good a President as some other men, but I believe I have kept these discordant elements together as well as any one could." — Herndon, *Life of Lincoln*, vol. iii, 533.

principality was early in the struggle. The substantial though informal powers of a dictator were not conferred upon him until through the Acts of Congress [1] in the following July and August. According to the constitutional lawyers of New York, he was using dictatorial powers in May, when they were disputing "subordinate sovereignty" with him. The inevitable pressure of the rebellion compelled an early use of dictatorial functions; their wise use by the President was recognized immediately by the people, and through Congress they granted him the largest power of the kingly function admissible under the forms of representative government. The incident adduced from the State of New York in itself justifies the selection of topics indicated in the title of this chapter; for the wise and far-seeing action of President Lincoln in such matters kept the wheels of administration in motion, and finally established the full power of the Union.

In the main matter of practical interference, between the Federal head, the chief of the Department of War, and the governors of the several States, there was no possible check so long as the nature of the men occupying the positions at Washington remained the same. For Governor Andrew read Governor Curtin's letter to the President exposing the interference of the War Department with regular state-recruiting. Massachusetts had suffered in the same way. Secretary Cameron assured Governor Andrew that the trouble should be stopped. Andrew congratulated Curtin that "this source of trouble is dried up at the fountain head." [2]

[1] Burgess, *The Constitution in the Civil War*, vol. i, 230, 232.

[2] Schouler, *Mass.*, p. 229.

The following events in Indiana involve considerable discord as well as interference in state government. May 21, 1861, Schuyler Colfax wired Secretary Cameron, "Shall be in Washington Thursday night with offer of our six regiments of three-months' soldiers for the whole war."[1] The six colonels wired directly to the President, who, in his indorsement, would be "greatly gratified" if the secretary would accept them. May 22, Governor Morton wired Hon. David Kilgore, "By an agreement gotten up with two or three colonels, Colfax has gone on to tender the six regiments of three-months' men for three years. This should only be done properly by the governor. The attempt is to supersede me with the men and the officers. He will be there to-morrow morning. Push the matter."[2]

May 23, Secretary Cameron wired Governor Morton that the three-years' quota was four regiments and no more. "You can select. The whole matter is in your hands."[3] Considering the secretary's facile ways, we may suppose that he had exchanged winks with the President, and that the compliments went to Colfax, while the executive authority went to Morton. This was one of the President's "littles" which go to a mickle. Morton reinforced himself on the main question by getting the support of the governors of Ohio and Illinois with General McClellan, — then at Cincinnati, — who wired advising the acceptance of the six regiments, as they were "in fine condition."[4] The President directly ordered the acceptance of the regiments, June 11.[5]

[1] *O. R.*, Series III, vol. i, 219, 220.
[2] *Ibid.*, p. 226.
[3] *Ibid.*, p. 229.
[4] *Ibid.*, p. 232.
[5] *Ibid.*, p. 263.

The facile ways combined of the President and secretary are revealed in a dispatch to Governor Morton, June 19, when additional regiments are accepted: "It is, however, the desire of the President that these regiments shall be made up and taken from the first, second, and third congressional districts of the State, and this order is given with that expectation." [1]

This dispatch, based on an order from the President to the secretary, June 17,[2] where he explains that the districts named include "my own old boyhood home," reveals much of the story we are studying and interpreting.[3] In those days, the executive of a great republic, in the midst of rebellion, should have had something more important to do than carefully patronizing congressional districts, in his boyhood home or anywhere else.

We may well consider in this connection the serious controversy between Major-General B. F. Butler and Governor Andrew. The active "war governor" of Massachusetts always rode into the lists of controversy with his visor up. Careless of himself in every way, if he could strike for the right and the true, as he con-

[1] *O. R.*, Series III, vol i, p. 279. [2] *Ibid.*, p. 274.

[3] Morton to Cameron, June 22: "I am embarrassed by the appointment by the President of colonels for three regiments. It has a bad effect, and is regarded as the work of politicians at Washington and as an indignity to the executive of the State, who has all the responsibility of raising the regiments." — *Ibid.*, p. 290.

Again, July 25, Morton was obliged to wire Secretary Cameron, "I hope the War Department will accept of regiments only through me." — *Ibid.*, p. 350.

November 25, Curtin remonstrated to Cameron, "I was no little surprised when I heard of your verbal order changing my written order, and have no doubt you did it on impressions made on you by parties in interest." — *Ibid.*, p. 647.

ceived it, ardently and vehemently, he laid himself open to any covert attack and any captious misconception. While his eager and restless conscientiousness endeared him to the inmost heart of the people, it severed him more or less from certain constant and constituent elements in the mass of the people, as this mass surged up to sustain and impel the state. The state is a body politic, both actual and moral; its executive must bear all and forbear all.

As the military historian of Massachusetts shows,[1] Andrew was frank and candid to a fault. Concealing nothing himself, he was impatient of reserve in others. Over-conscientious, he was thin-skinned and could not bear an adverse criticism, however unscrupulous its motive.

Francis W. Bird, a capable man of affairs, member of the executive council, and close worker with Andrew, says that he was always his own master, and while yielding to men "superior to himself in practical capacity,"[2] in general policy he was original and was himself. Yet he was diffuse, and amplified much in both thought and word, wasting energy and the precious moments of that crucial time. His great power in impromptu speaking tempted, while it aided, him in an utterance too free for incisive or intense expression. Higginson says that he made the worst mistakes in the selection of officers, "these arising almost wholly from his virtues."[3] He could "not despise a man, poor, ignorant, or black," but sometimes forgot that this sublime sentiment was not

[1] Higginson, *Massachusetts in the Army and Navy*, p. 5.
[2] Browne, *Sketch of Andrew*, p. 78.
[3] *Massachusetts in the Army and Navy.*

transferable in the act of government to some applicant for office, and might put the wrong man into place.

In amplifying the state and the circumstance of those trying occasions, it was inevitable that a man of exuberant nature should amplify himself officially.[1] One who knew him thoroughly said that while very democratic and absolutely sympathetic with the people, he enjoyed, not the conscious pomp, but the external parade incident to official life. When he sported the military cloak and white kid gloves at a Berkshire review, he carried all official functions of the executive into the gratification of the moment. His wife — excellent partner of his constant toil — with true feminine instinct went even farther in appreciating official elevation. Although of redundant circulation, and conscious of the consequent debility that ended at last in death, he was cheerful from day to day. His humor and merry sense of fun made every opportunity more lively for himself and all around.

In these minor details we must consider the times of the commonwealth. Charles Sumner was taboo in the higher circles of society in Boston. Early in his official career Governor Andrew with his wife was invited out, by some people of fashion, with the explanation, "For you know, you are about the only people who are willing to meet Mr. Sumner." These trifles throw light on the situation as it was when our unfortunate altercation occurred.

Benjamin F. Butler was an extraordinary man, pos-

[1] Lee was appointed on the staff early in January, 1861. "If I, a radical, regarded Governor Andrew with distrust, what was the horror and indignation excited in the hearts of conservatives at his accession to office. — Morse, *Henry Lee*, p. 228.

sessed of intelligence and acumen equal to any question that could be solved by that order of faculties. Whatever his knowledge of a matter, he could so marshal the information he had that he impressed himself upon the occasion. When examined for the bar his reading of text-books was inadequate and the judge doubted his admission, but discussed the grounds of a case he was then trying, and Butler's sagacity impressed him. Next day he said, "Mr. Clerk, Mr. Butler was examined by me for admission to the bar, and you can administer the oath and enter his name. It is due to him to say that the matter of my ruling came up in the course of his examination, and his suggestions led me to examine the matter further, and change my ruling." [1]

His audacity was never surpassed, but that faculty makes an uncertain foundation. Milton says: —

> "In a cloudy chair ascending rides
> Audacious, but that chair soon failing, meets
> A vast vacuitie."

In certain rare contingencies audacity counts in a soldier, but it is not the equivalent of courage. His historian and panegyrist, Parton,[2] said, "Courage, will, firmness, nerve, — call it what you will, — Gen. Butler has it." Was it so? Courage is a moral energy which braves danger or endures evil with constancy. In the collision of those grinding forces that lifted Grant to higher effort, mere will collapses as the hollow bark crumbles in the shock of icebergs. And while courage is born in the deepest action of the intellect, it is not nourished by mere acumen or quickness of mind. A soldier should know men and things, but the arts of the

[1] *Butler's Book*, vol. i, 77.

[2] *Butler at New Orleans*, p. 627.

forum are nowhere more obtrusive than in the application of tactics or the higher combinations of strategy. Perhaps Butler's chief defect as a soldier was in the excess of administrative faculties. Tremendous energy, capacious memory, meddlesome instinct invaded every department under him and emasculated the general who should have been above all while in all.

A French poet says, "Audacity and contempt are treacherous guides." If Butler believed in himself, he certainly despised the convictions and motives of most honorable men. The philosophers say that moral evil originates in the will of man, who could not have been otherwise capable of moral good; a power to do right being, of necessity, a power to do wrong. If the two-blade-of-grass altruist be a great benefactor, surely Butler promoted that good which proceeds from evil.

After all, it is not easy to comprehend such a character. When one has leveled the view to observe the course of such fertile intelligence and headlong ambition, the conclusion is not absolute and the view is not clear; a turn of the kaleidoscope reveals a man affectionate, gracious in intercourse, most loyal to his friends and to the common duties of life. Verily, the conditions surrounding all of us are more generous than any one of us, and humanity carries the individual to humane results, whatever be that individual's immediate notion.

General Butler's military aspirations and their results are well known. A statement in Nicolay and Hay's Life of Lincoln[1] is significant: "His [Butler's] high administrative abilities soon demonstrated their usefulness in his new field at Fortress Monroe, though one of his

[1] Vol. iv, 309.

early military expeditions met a discouraging defeat." This conveys the truth by what it says, and even more by what it leaves unsaid. Perhaps his early victories in substituting aptness for knowledge — as in his admission to the bar — had somewhat confused his estimate of the military art. He says of volunteers, "Of course we were not as good as regulars in the opinion of the United States officers; that was impossible. Their military movements were mechanical; ours were voluntary. We went through our drill because we loved it; they went through theirs because they were made to do it."[1] And he never forgot that he was for a few days encamped at Concord in 1860, with six thousand men, "a larger body of troops than even General Scott had seen together."[2] He seemed to lose his robust sagacity in imagining that there was a peculiar essence in successful legal and political art which might move armies and win battles. On his way to relieve the agony of the nation in the isolation of the capital, he could play politics with a possible slave insurrection in Maryland, — an erratic plunge which stirred the moral sense of Massachusetts to its inmost depths.

At Fortress Monroe he made perhaps the greatest hit of his remarkable career, in his epigram of "contraband" applied to escaping slaves.[3] But a trained soldier was soon appointed to succeed him, and he went home recognized if not appreciated; for he says with customary naïveté, "I think I at last came to know what hero worship meant."[4] He was seeking oppor-

[1] *Butler's Book*, vol. i, 124. [2] *Ibid.*, p. 127.
[3] *Ibid.*, vol. ii, 263. Letter, M. R. Casey, March 9, 1891.
[4] *Butler's Book*, vol. i, 294.

tunity for his restless energies, and he found it, as he states, in the insufficient condition of the recruiting service. "Republican governors enlisted their Republican neighbors and associates, and then, to eke out their companies so that they could be put at the head of them, they recruited all the scallawags there were in the neighborhood." [1]

This melancholy view of the early volunteers and the loyal governors does not correspond with the utterance of other distinguished Democrats. Benjamin F. Hallett made a patriotic speech at a flag-raising and indorsed it, May 1, 1861, to Governor Andrew, "With Mr. Hallett's respects for the great administrative talent you have shown in this terrible crisis to our country." [2]

Major-General Butler impressed himself as usual upon the administration at Washington, and obtained from Secretary Cameron the following order, September 10, 1861: "M. G. B. F. Butler is hereby authorized to raise, organize, arm, uniform, and equip a volunteer force for the war, in the New England States, not exceeding six regiments." [3]

Complaints against direct recruiting by the War Department had been made previously in other States. The Massachusetts State agent at Washington, C. H. Dalton, had wired Governor Andrew, August 28, in the case of Wardwell, that he was "authorized to raise a regiment. Cameron orders him to report to you, obeying your instructions. Secretary promises no more such irregularities." [4] Governor Andrew had sent two officers to Washington to represent to the President the embar-

[1] *Butler's Book*, vol. i, 295.
[2] *Mass. Exec. Files*, vol. 169, 43.
[3] *O. R.*, Series III, vol. i, 815.
[4] *Ibid.*, p. 812.

rassment of these proceedings. Secretary Cameron expressed, as reported, September 6,[1] his great obligations to Massachusetts and to the governor, "for the energy, economy, and honesty with which military affairs had been conducted." On the 5th, the President had concurred in the promise that no more independent permissions for recruiting should be issued. He said: —

> Such independent permissions as had hitherto been issued had been extorted by the pressure of certain persons, who, if if they had been refused, would have accused the government of rejecting the services of so many thousands of imaginary men — a pressure, of the persistency of which no person not subjected to it could conceive. He said that perhaps he had been in error in granting such independent permissions at all, even under this pressure, but that certainly it had not been intended to do any person or any State a wrong.[2]

These affairs were especially complicated in Massachusetts at this moment by the engagements, both of the War Department[3] and of Governor Andrew, to furnish troops for the command of General T. W. Sherman, afterward transferred to General Burnside and conducted into North Carolina. Great pressure was applied from Washington to get off the regiments for Sherman. In course came this letter from Andrew to the President, which is an evidence of those troublous times and embodies incidents of the kind that made them more troublous. Unlike most of the governor's communications, it was brief, scrawled on the executive note paper, addressed only to "My Dear Sir."[4] It stated, "We are raising five new regiments, all of which I mean Sher-

[1] *O. R.* Series, III, vol. i, 813, 814. [2] *Ibid.*, pp. 814.
[3] Schouler, *Massachusetts in the Civil War*, pp. 254–260.
[4] *Mass. Exec. Files*, vol. 143, 7.

man shall have, *if you will get an order from the War Department.*" Returned, indorsed, "Respectfully submitted to the War Department. A. Lincoln." "Sept. 10, 1861. Let this be done. Simon Cameron, Secretary of War." "I send the order you desire. Wm. H. Seward." Here were three great departments of the government speeding work, which the government was embarrassing in other directions by interfering with recruiting and the movement of organized regiments.

On September 16, the War Department issued Order No. 78, "All persons having received authority from the War Department to raise volunteer regiments, batteries, or companies in the loyal States are, with their commands, hereby placed under the orders of the governors of those States." [1] There was much telegraphing and complimenting from Secretary Cameron, and on the 23d he wired Andrew, "Select the regiments yourself for Sherman and supply him first." [2] Andrew writes the secretary on the 24th, that he is much perplexed by "contradictory orders and assurances issuing from your department respecting the disposition of regiments now organizing in this State. . . . Notwithstanding (Order No. 78), Colonel Wilson (with the 22d Massachusetts) has to-day received orders from you to report to General Butler." But General Butler, it is evident "to me, desires naturally to secure to his own command, according as best he may, all the force he can, even to the prejudice of what General Sherman has a positive right to expect from Massachusetts." [3] Secretary Cameron wrote fully on the 27th,[4] accepting Andrew's proposi-

[1] *O. R.*, Series III, vol. i, 817.
[2] *Ibid.*, p. 819.
[3] *Ibid.*, p. 820.
[4] *Ibid.*, p. 821.

tions, promising to carry them out and complimenting him highly. As General Schouler[1] says, "Explicit enough; and yet the same system of cross purposes was kept up for some time at Washington to the insufferable annoyance of the governor, complicating and retarding recruiting, and delaying the completion of the regiments."

October 1, the War Department designated a separate military department of the six New England States, "Headquarters, Boston, Maj. Gen. B. F. Butler, U. S. Volunteer Service, while engaged in recruiting his division will command."[2]

General Butler had two important interviews with Governor Andrew. These closed their personal intercourse, and their import bears on all subsequent negotiation. The precise dates are not given, but they were previous to October 5. There was an amicable conference concerning the assignment of Colonel Jones's and an Irish regiment. The general says: —

"As soon as I got my camp established I called upon Governor Andrew again, and informed him that upon reflection I preferred not to have the second regiment made up of recruits as they would be recruited by the state officials; that I preferred a regiment of Democrats, every officer to be a Democrat, and especially the colonel. . . . Jonas H. French will make as good an officer as any one I know." "Why," said the governor, "French helped break up a John Brown meeting." "Do you know anything against him?" "That is enough; I do not want anybody to enter the war for the Union who holds such sentiments."[3]

Some consequences of these events will appear later on.

[1] *Massachusetts in the Civil War*, p. 259.

[2] *O. R.*, Series III, vol. i, 822.

[3] *Butler's Book*, vol. i, 307.

October 5, General Butler addressed a long letter to Andrew, "Commander-in-Chief,"[1] reciting his position, to which he affirmed, "your assent was given." Complained that "the recruiting officers have been making publications injurious to me and the recruiting service, so that it becomes necessary to know what exactly is understood between us." Asked for a general order confirming his (Butler's) authority. Concluding: —

I trust these suggestions and this course, which will allow those patriotic persons who have done me the honor to inform me of their desire to enlist in the service of their country, to serve under my command in preference to another, the opportunity of so enlisting, while others of different preferences will have an opportunity to gratify their desires, and both classes will thus be brought at once into the field where they are so much needed.

Aside from any differences incident to the peculiar conditions imposed from Washington, Andrew differed absolutely from Butler in his view of the state of the recruiting service. He thought it was being overdone, and according to the general instructions of the War Department he was still in control of recruiting.

At 9.30 P. M., October 5, after the governor had spent the day in camp at Readville, he begins a letter[2] of more than fifteen hundred words to General Butler in reply to that cited above: —

I did not at any time say that while we were already raising so many regiments in Massachusetts I could consent to an embarrassment of the service by additional competition for recruits. . . . Now, with the utmost respect for the Department of War, and for yourself personally, and with the most loyal sentiment of obedience, I mean to continue to do just

[1] *O. R.*, Series III, vol. i, 823. [2] *Ibid.*, p. 825.

what I have from the first persistently done, and that is, to hold with an iron hand and an unswerving purpose all the powers which, by the laws, pertain to me officially in my own grasp, yielding the most implicit obedience in all things to those having the right to direct me. . . . Nor is it permitted by law, to the President himself, even were he disposed, to interfere in the premises. . . . I shall, therefore, do exactly by you as I have done by General Sherman and General Burnside. . . . Nor can I permit, so far as it lies with me to decide, any officers of the United States to raise troops as Massachusetts volunteers within this Commonwealth except for recruitment of existing regiments, or subject to the conditions indicated.

This correspondence did not change Butler's action, for he opened camps for independent recruiting at Pittsfield and Lowell. He asked for a personal interview on the 8th.[1] The governor, through Colonel Browne, replied, declining "for no reason whatsoever personal to yourself," but that he is engaged. "Therefore, unless the subject upon which an interview is desired is of such a character as to absolutely require immediate attention, he would prefer at this moment that it should be placed in writing,[2] *especially in view* of the *fact* that there appears by your letter of 5th instant to be a *difference of memory* respecting the oral *conversation referred to*."[3] We must consider these statements concerning recruiting and the enlistment of "those patriotic persons desiring to serve under my [Butler's] command," concerning refusal to appoint a disturber of a John Brown meeting and differences of memory — all together. We must not forget that General Butler

[1] *O. R.*, Series III, vol. i, 829.
[2] Italics are mine.
[3] *O. R.*, Series III, vol. i, 830.

deliberately called Governor Andrew a "one-idea'd Abolitionist." [1]

The general nursed his grievances without replying directly to Andrew's broad statement, October 5, of his position until the 12th, when he broke out in an extraordinary communication of some eight hundred words. Both contestants might have learned of General Grant the art of expression in time of war. We can imagine the sharp-eyed attorney in the place of a general, buckling up his uniform and girding himself, to harass the patriotic and ardent, the confiding Andrew.

This letter [2] begins, "Will 'His Excellency' assign . . . the officers to be selected by General Butler, but commissioned by 'His Excellency,' with, of course, a veto power upon what may be deemed an improper selection? As these officers are to go with General Butler, would 'His Excellency'" — continuing until "His Excellency" is repeated fourteen times with similar emphasis. The apologist, Parton, denies the general's responsibility for the quotation marks over "His Excellency." He claims, on the authority of Colonel Strong,[3] that a subordinate affixed these, thus transmuting the general's amiable purpose into "an intentional and elaborate affront." This conflicts with the general's own statement made December 28:[4] "In the matter of address in quotation I but copied the address assumed by one of the numerous military secretaries. . . . After using it once in the letter alluded to, I carefully used the title of the constitution, and marked it in quotation

[1] *Butler's Book*, vol. i, 318.
[2] *O. R.*, Series III, vol. i, 831.
[3] Parton, *Butler in New Orleans*, p. 184.
[4] *O. R.*, Series III, vol. i, 853.

to call attention to the difference." These explanations stand for what they are worth in considering the merits of this controversy. Such a letter should not have troubled any one outside the court of the Old Bailey, but it did trouble Andrew, and the trouble rankled. At this period,[1] the dispute seems to have carried the pettifogging spirit into the depths of bureaucracy.

Attorney-General Foster declared that Butler's irregular recruits could not receive "State-aid." December 19 and 20, a sharp correspondence[2] issued between George C. Strong, chief of staff, and Governor Andrew. The former claimed General Butler to be "Your Excellency's coördinate;" the governor replied, "With the single exception of the President of the United States, no officer or person, whether State or national, civil or military, . . . can be recognized as the 'coördinate' of the Governor of the Commonwealth in official dignity or rank." In the same letter Andrew, through Secretary Browne, refers to Butler's communication of October 12, as "a studious, indirect, insinuating, but not less significant, intentional act of impoliteness toward a magistrate whose only offense was fidelity to his duty."

The heaviest club in the altercation, on the whole, was in Andrew's hand, and it worried his antagonist exceedingly. The governor alone could commission regimental officers, and he simply would not. In answer to the President's personal appeal toward the last, he stated his willingness to act, but claims "To that end Major-General Butler should be directed to report in accordance with the General Orders, No. 78, and otherwise to

[1] Schouler, *Massachusetts in the Civil War*, pp. 266–270.

[2] *O. R.*, Series III, vol. i, 847–849.

comply with the provisions of that order, which as yet he has entirely neglected and disobeyed." [1]

As to methods of obtaining the best officers, whether Democratic or Republican, a diametrical difference of opinion prevailed between Governor Andrew and General Butler. In submitting the whole correspondence to Senators Sumner and Wilson, the governor stated officially, "The whole course of proceeding under Major-General Butler in this Commonwealth seems to have been designed and adapted simply to afford means to persons of bad character to make money unscrupulously, and to encourage men whose unfitness had excluded them from any appointment by me to the voluntary military service." [2]

General Schouler's [3] summary is: —

> General Butler continued independent recruiting until two regiments of infantry, three companies of cavalry, and a company of light artillery were raised by him in Massachusetts, notwithstanding the law gave to the governor the exclusive right to organize regiments, and to commission the officers. The controversy lasted four months. . . . The troops were sent from the State without commissioned officers, without rolls being deposited in the Adjutant-General's office, and without the knowledge of the Executive.

War consists in deeds, and this recruiting was a small result, regarded purely from General Butler's point of view. The governor expressed to Secretary Cameron [4] the conditions forced upon him: "Why is power given to him [Butler] thus to interfere with me and distract

[1] Letter to President, *O. R.*, Series III, vol. i, 863.
[2] *O. R.*, Series III, vol. i, 865.
[3] *Massachusetts in the Civil War*, p. 275.
[4] *O. R.*, Series III, vol. i, 828, 829.

and confuse the system under which my operations are conducted? . . . I am more troubled by this disturbing interposition than I have been by all the toils and responsibilities of the year." If the governor clung to his personal prerogatives somewhat tenaciously, it is to be feared that the noisy patriot, uniformed as a general, assimilated very readily the delights of "hero-worship,"[1] described in his memoir.

On the 11th of January, 1862, A. Lincoln appealed to the governor in the following telegram, and shortly after the Department of New England was dissolved: "I will be greatly obliged if you will arrange somehow with General Butler to officer his two unofficered regiments."[2] We can read between the lines that long-suffering endurance that so endeared the President to our much enduring people.

Governor Andrew arraigned the administration in positive terms for allowing General Butler to interfere with recruiting in the State of Massachusetts, and the allegation was never answered. January 11, 1862, in his letter to the President, he said: —

> Major-General Butler's proceedings in Massachusetts in respect to recruitment have been altogether lawless, in violation, especially of General Orders No. 78, of the War Department, of the series of 1861, and have been conducted with both official and personal contempt toward the government of this Commonwealth. This has been permitted by the General Government, notwithstanding representations of the facts to the Adjutant-General of the Army and to the Secretary of War.[3]

[1] *Butler's Book*, vol. i, 294.
[2] *O. R.*, Series III, vol. i, 862.
[3] *Ibid.*, p. 862.

It is well to bring out and consider the larger elements, whether of mind or character, in the historical personage. Those nearest John A. Andrew, in his trying experience, esteemed him highly. General Schouler[1] says of him: "The greatest, the wisest, and noblest of Massachusetts governors, he possessed transcendent genius as an executive officer, when those qualities could best be exercised."

It is more difficult to put Butler, the great advocate, the audacious attorney, into an epigram. He converted the fleeing person into contraband property with wondrous prescience, and thus helped to solve the most critical question of the war. He smote rebellious New Orleans with inflexible justice, and brought order out of chaos. His military career can be hardly separated from the whole patriotic effort of the Northern people, that bent every force to the greatest social and political problem of modern history.

The noble Sixth Regiment of Massachusetts precipitated the North upon the South. The military heart of the nation — in awful suspense — did not begin to beat until great New York, magnificent Massachusetts, and little Rhode Island together marched up Pennsylvania Avenue.

In that splendid column Brigadier-General Benjamin F. Butler, though not present, was not absent. His name and his services are an integral part of the Union of the States.

This whole controversy, interesting in itself, is yet more important as bearing upon the whole conduct of the war. It shows the mistaken course of the adminis-

[1] *Massachusetts in the Civil War*, p. 670.

tration in attempting to overdo the business of recruiting at times and by spasmodic efforts. The national authorities interfered with proper official methods in the States, generally making mischief thereby. Then they capriciously stopped the recruiting of volunteers on occasions when it should have proceeded continuously.

"Bureau" has a meaning in our country, as including "certain subdivisions of some of the executive departments," which differs from its meaning in Europe. In all these bureaucratic movements and divagations of management, nothing is more curious than the action and influence of Mr. Seward. "Where the heart is right, there is true patriotism," said the philosopher; and he was a patriot, but his heart was a factor which never neglected Mr. Seward. We must consider his constant attitude in the direction of affairs, if we would see within and get at the true nature of the various negotiations between the federal and state executives, in which he was concerned. In the significant declaration to his wife already noted, he chafes under the suspicions and interference of those who would prevent his proposed actions, and "see that I do not too much for my country, lest some advantage may revert indirectly to my own fame."[1] This was early in the rebellion; a year later he is saying to his daughter that he is working hard at the War Department, and "to aggravate my cares, mischievous persons got in there and tried to sow the seeds of disunion between members of the cabinet and self, and I have had to meet and counteract their intrigues."[2] The first instance was under Cameron, the second under

[1] *Seward at Washington, 1846–61*, p. 575. [2] *Ibid.*, *1861–72*, p. 98.

Stanton. The Secretary of State occupied a position, nominally the leading one, in an executive cabinet which knew no prime minister. The leader had the direction of foreign affairs, usually the most important business of the administration. Now, the War Department was surely the greatest post, followed closely by the Treasury. The nominal leader of the cabinet had long been the favorite, and finally was the disappointed candidate of the party behind the administration. Now he was under a chief inclined to over-management of executive affairs; and he was mussing about the departments, negotiating with the state governments, trying to help matters, when his own transactions were not spoiled by the "intrigues" of others.[1] It was a delicate situation.

September 25, 1861,[2] Governor Morgan writes to Hon. William H. Seward: "The great interest manifested by you in regard to our state quotas induces me to ask your attention to the following requests." The Secretary of War did not separate the honorable personage from the Secretary of State and nominal leader of the cabinet. He replies tartly to the indirect communication: —

> Your letter of the 25th instant, addressed to the Secretary of State, was handed to me this morning. Allow me respectfully to suggest that hereafter when your Excellency has business to transact, connected with this department, our intercourse will be much facilitated if you will address your communications directly to me. I am very desirous of meet-

[1] July 27, 1861, W. H. Seward was wiring John C. Frémont, personally, "What disposition was made by you of the arms which you purchased in Europe?" — *O. R.*, Series III, vol. i, 355.

[2] *Ibid.*, p. 540.

ing the wishes of the governor of the State of New York by every means in the power of the department.[1]

What could be more proper functionally? The sincere and straightforward Cameron — as a secretary and in his public capacity — abhorred the habits of petty intrigue and dissimulation.

The candid governor of New York, who meant what he said, in personal or official correspondence, loses no time.

> In reference to my letter to Governor Seward [the honorable and the secretary now becomes governor], I beg to say that in communicating with him nothing was further from my thoughts than an interference with your prerogatives or a disregard of your just authority. His personal knowledge of affairs in this State and his lively interest in all that relates to it induced me in this, as on several previous occasions, to invite his solicitation in obtaining from the President or yourself such authority as seemed to me to be important in carrying out the purposes of the government. I fully appreciate the difficulties experienced by the government in obtaining suitable arms. . . . I do not desire, however, to put this in a form of complaint, but to urge it as a fact, and to ask that it have your favorable consideration when opportunity will permit.[2]

"Influence" was not easily strangled and destroyed. Governor Morgan was obliged to wire, October 2, 1861: "It would appear that certain regiments of the State of New York expect to obtain their commissions direct from the United States. I sincerely trust this will not be the case. They can have their commissions from me, and have been so notified from time to time."[3] Secretary Cameron replied promptly that all New York commissions would be referred properly to the governor.

[1] *O. R.*, Series III, vol. i, 544. [2] *Ibid.*, p. 552. [3] *Ibid.*, p. 557.

Authority was asked from the War Department to raise a brigade of Catholics in New York State. This was properly referred as under "the exclusive control of governors of States." It was probable, however, that such a brigade "could be kept together." [1]

The irregularities in mustering and accepting early regiments, especially in the Sickles brigade,[2] bred constant troubles for the state authorities. As late as March 27, 1862, Governor Morgan, in a very interesting communication,[3] was obliged to remonstrate to Secretary Stanton that "certain regiments" from New York refused to acknowledge the authority of the governor in commissioning and filling vacancies. The matter was not confined to the Sickles contingent, and some regiments claimed militia instead of volunteer commissions. But in the Sickles brigade the "commissions for an entire regiment were destroyed and not allowed to reach" the appointees. The governor cites the authority of Congress. "If, then, through the efforts of designing officers, this authority is resisted, it is obvious that such officers will assume to exercise these functions themselves, and be enabled to elevate improper persons to important and responsible positions." He alludes to the secretary's "prompt and gratifying" course in correcting irregularities, and looks forward to his concurrence.

In the summer of 1862, after the battle of Shiloh and McClellan's engagements with Lee before Richmond, which resulted in changing his base to the James River, there was a serious crisis at Washington. The President met this with his usual calm judgment, and

[1] *O. R.*, Series III, vol. ii, 178.

[2] Cf. *ante*, p. 183.

[3] *O. R.*, Series III, vol. i, 953.

called on Mr. Seward for help in the executive management. June 28, he addressed a formal letter to him, recounting the situation and closing in these words: —

> I expect to maintain this contest until successful, or until I die, or am conquered, or my term expires, or Congress or the country forsake me; and I would publicly appeal to the country for this new force were it not that I fear a general panic and stampede would follow, so hard is it to have a thing understood as it really is.[1]

It was just the occasion for the nimble man of Auburn, who wired for Governor Morgan and Thurlow Weed to meet him next day at the Astor House. On the 30th he sent to Secretary Stanton a sketch of a proposed memorial from the loyal governors, asking the privilege of furnishing more men; likewise a form of proclamation from the President calling for 150,000 men, and "fully concurring in the wisdom of the views expressed to me in so patriotic a manner by the governors of the States of ——."[2] Stanton wired that the President had gone "to the country very tired," but that he was sending the document to him. The President approved, suggesting 200,000 men, and the call was finally made for 300,000 men. July 1, Mr. Seward wired, "The governors respond, and the Union Committee approve earnestly and unanimously."[3] He went over to Boston, sending the earnest and "satisfactory response" of Governor Andrew. It was his intention to go to Cleveland, but other affairs recalled him to Washington.

Mr. Lincoln was never at fault in estimating the sentiment of the people in mass; nor did he err in the best ways of reaching it and developing it for national action.

[1] *O. R.*, Series III, vol. ii, 180. [2] *Ibid.*, p 182. [3] *Ibid.*, p. 187.

In bringing the power of his office to bear on individual men, he was not always so happy. These negotiations through Mr. Seward were conducted very judiciously and were entirely wholesome in their effect. The delicate nature of such interference with proper departmental organization appears in a letter of the adjutant-general of Massachusetts to the Secretary of State, July 7:[1] "We were honored with the visit from yourself and General Buckingham." Then desirable changes in recruiting are recited, to be communicated to the general; and concluding, "Only give me a little margin and keep us as much as possible under state authority." But Governor Andrew breaks out, July 26, to the War Department, with all his force and fervor, bewailing the jar and creaking of national and state machinery.

Doing our utmost recruiting the old regiments, but blocked constantly by circumlocution. I am powerless, but believed by everybody responsible. If I can appoint mustering officers, and can do all things needful and allowable under Army Regulations to be done by any one, I will strike heavy and quick. Do give me plenary powers, and not leave me obliged to call on anybody, but enable me to appoint all needful officers for carrying on the recruitment. Men from Berkshire can't wait for officer in Boston, who assumes that he alone can muster for regiments already in service.

(Also) "So prays Wm. Schouler, A. G."[2]

Secretary Stanton answers in another connection, August 28, for poor but very necessary red tape: —

If all the States were like Massachusetts and all governors like hers, transportation and everything else might be left to state authorities. It must be done to all or none. Experience of last year produced too many frightful evils to

[1] *O. R.*, Series III, vol. ii, 209. [2] *Ibid.*, p. 256.

renew the experiment. If the disbursing officers in one State trouble you so much, I have eighteen times as much trouble. We must both, therefore, patiently endure what we cannot remedy. The rules will, however, be changed or modified as far as possible to cure the evils you suffer under.[1]

Neither of these stalwart patriots was a model of patience. Certainly, such endurance, tempered in the heat of those conflicts, is worthy of all praise from the generations to come.

As finally completed in August, this was the last great movement for mustering volunteers. While troops were easily obtained for short terms on the emergency, the enlistments for three years dragged heavily. Many of the governors reported the difficulties[2] in responding to this call for troops, so carefully arranged and placed before the people. The voluntary efforts of States and individuals were soon to be replaced by the stern requisitions of a national draft. The experience of the Confederacy was not different.

The vigorous governor of Indiana often made his impress on the War Department; if not always reasonable and considerate, he was at least forcible. July 26, he addresses Assistant Secretary Watson :[3] —

I am painfully surprised by the spirit of your two dispatches received this morning. From the doubts and hesitation expressed by your inquiries I should infer that the requisitions made in behalf of the State are regarded in the light of favors, to be strictly scrutinized and granted, if at all, with hesitation. I cannot organize artillery companies without being able to assure them that they will get guns, nor can they drill without guns.

[1] *O. R.*, Series III, vol. ii, 480.
[2] *Ibid.*, pp. 201–206.
[3] *Ibid.*, pp. 253, 254.

The assistant secretary replies at length and tartly: —

If you had not misapprehended the spirit of my dispatches, you would have seen no reason for being surprised. . . . Indiana and every other State shall have her full distributive share. Does this authorize your inference that the requisitions made in behalf of the State of Indiana are to be regarded in the light of favors, to be strictly scrutinized and granted, if at all, with hesitation?

Governor Morton half recants: "The dispatch in regard to artillery was drawn by my secretary, and I do not know the precise words. We claim nothing for the cannon we let the government have. They were referred to to show that none were left in the State." At the same time he shows his precarious position with the border counties of Kentucky leaning strongly toward secession.

The painful pressure of events is revealed again, August 13,[1] in this agonized cry to Stanton: —

Your dispatch of this date is received. I regret that suggestions respectfully made in relation to the wants and conditions of the public service in Indiana should be regarded in the light of complaints and dissatisfaction. I give you credit for doing what you can for the cause, and claim the same for myself in my limited position. If the government understands the condition of affairs in Indiana, of course information from me is not required.

As we have seen in the case of New York, many interesting questions arose respecting the organization and first conduct of militia and volunteers, as the forces of the States were gradually brought under the control and management of the administration. In this

[1] *O. R.*, Series III, vol. ii, 376.

direction Attorney-General Bates sent an elaborate opinion to the War Department, June 16, 1862. The governor of Kansas had innocently but illegally removed Colonel Weer from the command of a regiment of volunteers, in order that it might be consolidated with another regiment. Secretary Stanton revoked the governor's order, and reinstated Colonel Weer. Attorney-General Bates confirmed the secretary's action and forcibly reviewed the whole question: —

> Giving to the constitutional reservations in favor of the States the most liberal construction which can be claimed for them, they confer no right on the state authorities to disturb the organization of militia or volunteer regiments in the national service, or to interfere in any way with the control which the President, under the national constitution and laws, shall exercise over them.[1]

He disposed of notions sometimes prevailing in those days, that any State or official of a State could bring the national government under a particular obligation; patriotism was for the whole: —

> The governors of the loyal States have, both personally and officially, rendered most valuable and effective service to the national government. . . . But these labors are in aid of the government and with its approbation. They are performed not because it is a legal duty imposed by Congress, or, in many instances, even by their respective States, but under the impulse of a generous humanity and patriotism.[2]

These matters excited much interest in Massachusetts, as is shown by the Executive Files.[3] Governor Andrew had managed with scrupulous care in his relations with the administration. In a case of charges

[1] *O. R.*, Series III, vol. ii, 151.
[2] *Ibid.*, p. 151.
[3] Vol. 152, p. 48; vol. 144, p. 113.

preferred against Colonel Robert Williams and Lieutenant-Colonel H. B. Sargent, 1st Mass. Cavalry, his attorney-general, Dwight Foster, had reported, "Your Excellency has no jurisdiction." [1] As early as July 27, 1861, some seventy men of the Clinton company of the 15th Mass. had claimed the right to "refuse to serve except under officers of their own election," [2] having complied with the conditions under which they took their oath. Andrew indorsed: "No person any authority to make any such promise, my behalf. Bound to add any refusal to do duty would subject the guilty to consequences from which I could not save them." Practically, he intended to leave the company to its own officers, having no objection to them.

This interaction of federal and state authority is interesting ground, and many incidents bear upon it. In disputing over the recruiting in Massachusetts, General Butler, in reporting to the adjutant-general, tried to maintain that the United States should override the States absolutely. "Will you recruit your men under your own authority, or will you allow the authority to be wrested from you by the States?" [3] Governor Andrew, December 20, 1861, brought forward the proper distinction between the military functions of the President and the civic function of any federal official in a State.

In our federative system, of which system the President is the sole head, without any coördinate, and in which the States composing it are as essential to its constitutional life as are the people themselves, each respective governor being the

[1] *Mass. Exec. Files*, vol. 15, November 22, 1861.
[2] *Ibid.*, p. 11.
[3] *O. R.*, Series, III, vol. i, 655.

official head of his own State, without any coördinate within his jurisdiction saving the President of the United States, who is the federal head and official superior of all magistrates and officers.[1]

The President was the supreme military authority in a State; but that authority could not be delegated to affect the people of that State. Soldiers were to be enlisted by the States and commanded by the President as commander-in-chief, or by his subordinate officers. But the people of a State were under the control of their own elected civic officials.

When General Pope was defeated in August, some enthusiasm for recruiting was created anew,[2] and the old spirit was revived, especially in the Eastern States, to send forward men to fill the depleted armies. Enrollment for the draft had been ordered, but August 8 Andrew addresses the President directly, begging with all his force to be encouraged in recruiting instead of being obliged to resort to the dreaded conscription. If he might have a call for nine months' militia, "We can answer the call in great part without draft by sending militia regiments already organized and being filled up and by recruiting others. The iron is hot; strike quick. Drafting is mechanical. The impulse of patriotism is vital and dynamic." [3]

If the President could not accede to the general principle, he tried his best to forward matters in detail when Andrew could not get off his regiments, owing to the delay of disbursing officers. He wired, August 12:

[1] *O. R.*, Series III, vol. i, 847.

[2] Benjamin Harrison volunteered this summer. — Foulke, *Morton*, vol. i, 184.

[3] *O. R.*, Series III, vol. ii, 327.

Please say to these gentlemen that if they do not work quickly I will make quick work with them. In the name of all that is reasonable, how long does it take to pay a couple of regiments? We were never more in need of the arrival of regiments than now — even to-day.[1]

Andrew was not convinced on the main question, and wired Secretary Stanton, August 17 : —

I wish I could see you, but can't leave. Pray don't think of actually drafting. We can raise troops faster than they can be provided for. Draft will disturb everything; raise thousand questions; will make a mere paper army, unorganized, ineffectual, discontented, valueless — flocks of green men, green officers, conscripts. Call on me for militia quota by regiments; give till October 1.[2]

This dispatch reveals the man as clearly and forcibly as anything on record. He was heated to the fusing point, and everything not absolutely important was burned away. He had not even time or thought for his beloved rhetoric and amplifying words. If not so good an orator as Demosthenes, he was a better actor and agent of affairs. As Stanton declared in another connection, if all the governors and all the States had been like Massachusetts, drafts would not have been necessary.

While it is easy to scan these particular movements for recruiting at this time, we cannot so readily comprehend and explain the larger governmental forces at work beneath the surface, and which were gradually bringing the administration to a more commanding position in its conduct of the war and of the affairs of state. It was being forced irresistibly to put forth its

[1] *O. R.*, Series III, vol. ii, 363. [2] *Ibid.*, p. 401.

whole power and to lay hold of every citizen of the loyal States capable of bearing arms. The President interested himself eagerly in this movement for filling the lists of volunteers. He sent a dispatch to all the loyal governors, calling for prompt and accurate information of the most minute character. "About what day the first new regiment can move from you, what the second, and so on." [1] He sent his secretary, Nicolay, to Indianapolis, where he conversed freely with Governor Morton and others connected with the state government, July 29, 1862. Nicolay reported, "Recruiting for the new call is progressing quite satisfactorily." [2] There were some difficulties of detail. The governor wired two days later that recruiting for old and new regiments at once clashed. "The two systems come in conflict and mutually defeat each other." [3] The War Department could only reply that any violent change "would be fatal."

But the storm was gathering which was to nullify voluntary enlistment. Governor Wilson of Iowa reported: —

> Men in this and surrounding counties are daily in the habit of denouncing the government, the war, and all engaged in it, and are doing all they can to prevent enlistments. This should be stopped, so far as relates to enlistments, in some way. The government needs men, and that as soon as possible. But with an organized determination on the part of a very considerable number of men in each county, the work of enlistment must go on slowly.[4]

[1] *O. R.*, Series III, vol. ii, 265. [2] *Ibid.*, p. 283.

[3] *Ibid.*, p. 287. And Governor Tod of Ohio said, p. 269, "Recruiting officers for the new regiments have their commissions to earn; those of the old have theirs in their pockets."

[4] *Ibid.*, p. 266.

As above indicated, there were causes influencing the course of recruiting at this time larger than any individual could control or direct, even if that individual had been a Cæsar or a Napoleon. In the early days of July, Governor Curtin had made certain suggestions to the President directly, concerning the recruiting for this call. Secretary Stanton answered, "It is designed to leave the matter as far as possible in the hands of the respective governors until the troops are mustered into service." [1] This is a fair record. Matters could not be more properly directed in an orderly round of government. But Governor Morgan answered the particular inquiries of the President, July 28: —

I feel pretty well as to the motion of things in most parts of the State. I hope to commence sending you regiments in about two weeks. . . . I am doing all in my power to forward enlistments in the old regiments; but, as you are aware, recruiting for these since January has not been under the control of the governors of States.[2] It is not rapid.[3]

Morgan was not a difficult man or rigid official.

[1] *O. R.*, Series III, vol. ii, 205.

[2] Subsequent to this, August 24, 1862, Secretary Stanton requested John A. Stevens to act as a special commissioner of the War Department in filling the old regiments of New York. It was done formally, but it was a direct interference.

"It is the desire of the department in this, as in all other cases, to act in concert with the state authorities, and it therefore requests that a conference with them be had by you, and report." — *O. R.*, Series III, vol. ii, 452.

[3] *Ibid.*, p. 269. And Thurlow Weed wired the War Department, August 15: "Our people are responding to the call for troops with alacrity and enthusiasm. Governor Morgan can organize his whole quota of the call for 600,000 even earlier than you can have them by draft, if allowed to proceed as indicated in his dispatch of yesterday. The popular feeling is at high war heat. It has cost much to get this steam up. Pray do not require the governor to 'blow it off.'" — *Ibid.*, p. 393.

Perhaps he was the best plain executive officer of the four we have been treating. He could not govern, in the sense that Morton and Andrew could forelay state action, or Curtin could carry a whole people through his innate energy. But no one better directed the legitimate forces of the State by official prerogative than did Morgan. He dealt wisely with the great influence of Seward, with the power of the Union Defense Committee, which generally helped but sometimes embarassed him, and brought out of it all the best results of straightforward executive action. His statement — not querulous but frank — reveals the difficult situation of the loyal governors at that moment. In fact, they had been greater as war ministers than as governors of their respective States. The tremendous interplay of federal and state power had precipitated on these heads of States such responsibility as no government had ever witnessed. These men were the direct exponents of the people in the early stages of the rebellion. They put into action and accomplished fact the popular desire, and registered the popular mandate.

Now, the inevitable course of great governmental business was consolidating the power of the federal administration, and was endowing a ministry of its own. The war governors, important agents as they continued to be in the conduct of these large affairs, were now ceasing to be the direct representative ministers of the people. Congress also was becoming a larger relative factor, as its legislative powers were needed in their own sphere, as well as to enlarge and enforce executive action. The first legislation of Congress in 1861 had been a sanction rather than a mandate. The

desperate logic of events had dictated the slow course of law. But the proper scope of the legislative branch of the government reasserted itself, and moreover tended to absorb matters which were properly executive in function. Committees on conduct of the war were powerful, and the partisans of particular general officers were busy at the capitol.

We are studying these events chiefly as they affect federal and state action, and there remains to be noted the greatest factor of all in developing our topic at this period. The personal character of the Secretary of War helped to mould events and to stimulate the present inevitable tendencies of administration. Where there was a truly great war minister, there could not be many war governors, as they entered into federal procedure. The greater must include the less, and Edwin M. Stanton became a more inclusive and compelling force as armies increased and the war complicated itself. His personal characteristics[1] should be considered in interpreting these events.

[1] Cf. *ante*, p. 102.

CHAPTER VI

PARTY ESTRANGEMENT

AN observer at any time since 1862 would hardly believe that the political parties of the United States were ever abrogated or fused into one. But the acute and experienced Seward said on the passage of the act, April 24, 1862, suppressing the African slave trade without a dissenting voice in the Senate: "The Democrats have disappeared! This is the greatest act of the administration."[1] Such calm prevailed on the political surface of the North at this period, one year of rebellion having elapsed and the policy of the administration, as described, not yet having been found wanting. How superficial was this appearance and the observation of the time is revealed in the report of Governor Morton of Indiana, June 25, 1862: —

> There is a secret political organization in Indiana, estimated and claimed to be 10,000 strong, the leading objects of which are to embarrass all efforts to recruit men for the military service of the United States, to embitter public sentiment and manufacture public opinion against the levying and collection of taxes to defray the expenses of the present war, and generally to create distrust in and bad feeling toward the government and its recognized and legally constituted authorities. . . . is in operation in every county in the State. Its members are bound by oaths, and their meetings are guarded by armed men. . . . I deem it of vital importance

[1] Pierce, *Sumner*, vol. iv, 68.

that immediate, vigorous, and effective steps be taken to break up these unlawful and dangerous combinations, and to correct the evils complained of.[1]

The campaigns of the administration during the summer failed, or were "drawn" in their effects on the war. They miscarried, not through defect of this or that general, or council of war, but through lack of that administrative strategy which brings a superior force against an enemy at every encounter. When a general made requisition upon Chatham for a regiment he sent two. The Emancipation Proclamation, that necessary and profoundly courageous act of Lincoln, for the moment had divided the North and further alienated the South. The stringent treatment of persons and limitation of liberty, considered necessary by Morton and others struggling with the immediate issues raised by disloyal citizens, — these methods administered by arrogant officials and urged by violent agitators like Thaddeus Stevens had alarmed a certain conservative though loyal element in the North. The customary and perhaps inevitable corruption in the departments conducting a great war was severely criticised by those who sought disloyal ends through apparently loyal means. Not one but all these causes combined to convert inertia into action, and to rear a great party of opposition to the administration as it was conducting the war for the Union. Its most seductive outcry was formulated by Horatio Seymour:[2] "The Constitution as it is, the Union as it was."

The administration was severely condemned at the

[1] *O. R.*, Series, III, vol. ii, 176.

[2] Cf. Message, January 7, 1863, p. 32.

fall elections in 1862. New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, all Lincoln States in 1860, — excepting New Jersey by a small majority, — declared against the party in power. The Democrats gained largely in the House of Representatives, and would have controlled it had not New England, Michigan, Iowa, California, and the border slave States supported the administration. This revival of the Democracy suggests many interesting questions.

The citizen — the political individual — does not choose deliberately and act for himself in most contingencies of government. He is obliged to fall into some of the great categories of representation, under any form of government; to follow, where he would lead, if it were possible to bring his active intelligence to bear directly on the problems of state. He cannot be his own leader, he must be the inevitable victim of success.[1]

New shibboleths directed along the old lines of party zeal[2] renewed the allegiance of Democrats, whether loyal or disloyal, or even treasonable according to Morton. The fierce spirit of the time designated these modified Democrats, especially in the West, to be "Copperheads," as first described October 1, 1862.[3] The term, a "synonym of hidden danger and secret hostility," embodied both hatred and the suffering of loyal citizens.

Under the widening modern suffrage, sovereignty had

[1] Emerson says: "They follow success and not skill. Therefore as soon as the success stops and the admirable man blunders, they quit him . . . and they transfer the repute of judgment to the next prosperous person who has not yet blundered."

[2] Cf. *ante*, p. 9, and Ostrogorski, *Democracy and Political Parties*, vol. ii, 607.

[3] Rhodes, *U. S.*, vol. iv, 224 n.

become latent in every individual voter; but he could not go alone and act independently, in any new and large development of the state. Like a homesick child, he fell into the old party grooves, wherever they might be tending; even if toward the destruction of the state itself. The mind of the recalcitrant voter of 1862 did not carry so far. He was mystified and perplexed by the enlarged scope of the citizen, and the multiplied duties forced upon him. According to their own avowal, the single issue of rebellion appeared to Seymour in the East, to Vallandigham and Hendricks in the West, to be as malignant as ever. But they forgot that rebellion hews its own way and makes its own illegitimate paths. The administration had been at fault in not extending itself to grapple with the rebellion. But any possible administration would have injured the Copperhead, waiting to strike at the necessary prosecutor of the rebellion as it was. Yet we must keep in mind that the recalcitrant voter of 1862, as we have termed him, was not a conscious traitor. The plain duty of the citizen, the spirit of the people — as embodied in the career of Abraham Lincoln — was a conception too elevated and ethereal for the average follower of a party. He lent a willing ear to the Copperhead, and through an error of belief he betrayed the cause in actual practice.

The great States of New York and Pennsylvania, as well as the Middle West, had felt the swaying undercurrents of these hostile forces during this summer. The popular mind was moving, influenced by the various motives we have stated, toward the great revival of party action, which was to give the Democracy a new political foothold in the autumnal elections. Con-

tingent to this fermenting agitation, the loyal governors originated a new method of rallying public sentiment, through a "conference" held at Altoona, Pa., September 24. A close observer and actor in many important events of this period, John Russell Young, considered this "conference, next to the Proclamation of Emancipation, the most decisive civil event of the war. It roused the latent fires of the Union." [1] This is strictly true, though the larger issue eclipsed the smaller one so completely that the momentous bearing of the action of the governors cannot be fully recognized in the fading light of history. We must not be hypercritical in construing the action of such patriots as Curtin, Andrew, and Morton, who felt the pressure of the discordant elements beneath, and acted accordingly. Perhaps the conference was the best political means attainable for carrying the loyal state organizations through the powerful undercurrents of this trying navigation; nevertheless, it was a dangerous undertaking in the development of state government within the obligations of the Union. The movement was constantly denounced by the opposition, and was used in New York especially to carry the people and thereby the State into opposition to the Union as a whole, and to the true administration of the Union by its properly constituted authorities. The story of these transactions embodies the title of this chapter and shows that the marvelous awakening of 1861 had lapsed into a political semi-consciousness of the people, where their "altered hearts were estranged."

Governor Morgan could say in his official report to

[1] Egle, *Life of Curtin*, p. 329.

the Empire State, January 7, 1862,[1] "from her imperial resources vast supplies have been drawn for the war." One year later the governor of the same State, Horatio Seymour, said:[2] "While the War Department sets aside the authority of the Judiciary and overrides the laws of the States, the governors of States meet to shape the policy of the general government." The people are the only censors of their governors, said Jefferson; and herein the duly elected governor of the largest State in the Union censured the action of the partial representatives of the people who had assembled at Altoona.

Governor Curtin first suggested this meeting. The first step recorded[3] was in a consultation with Secretary Seward at New York. Mr. Seward "brightened at the thought," and telegraphed to Lincoln, who approved the project. Governor E. D. Morgan, representing New York State, declined to act in the matter. According to John Russell Young,[4] the warm-hearted son of Pennsylvania "saw that what the government needed even more than material aid was the moral reinforcement that would come from an expression of confidence on the part of the governors of the loyal States."[5]

John A. Andrew was in one of those sulky moods when his ebullient patriotism could not comprehend the whole governmental problem as President Lincoln held it in his larger grasp. He wrote Gurowski on the receipt of Curtin's proposal, September 6: "I am sadly

[1] Message, p. 2.
[2] Message, p. 20.
[3] Egle, *Life of Curtin*, pp. 308, 309.
[4] *Ibid.*, p. 306.
[5] The delicate nature of the proceedings may be inferred from the fact that no formal record was kept. There was no formal organization and no secretary. — *Ibid.*, p. 307.

but firmly trying to help organize some movement if possible to save the President from the infamy of ruining his country." [1]

On the 10th, Andrew's close friend, Francis P. Blair, wrote him: [2] "If we are victors (in the coming conflict between McClellan and Lee) the electric flash that announces the fact will strike . . . the fetters off every slave on this continent. It is success in the decisive battle that is to do this, — not proclamations."

Dates are important, and on the 13th Governor Tod of Ohio wired Secretary Stanton, "Governors Curtin and Yates have invited a meeting of the loyal governors, to which I have of course assented. Have you any suggestions to make?" [3] Stanton replied that he had no suggestions, and hoped "the counsels may be wise and productive of good." The recorded events by no means convey the whole significance of the vital currents moving beneath their surface. The Proclamation of Emancipation, issued just before the meeting, September 24, at Altoona, took away one of the chief causes of immediate agitation. The governors conferred, and appointed Curtin and Andrew a committee to draft an address from the meeting "held to take measures for the more active support of the government." The eloquence of these statesmen and politicians could not be an "overflow of powerful feelings upon an occasion fitted to excite them." They mildly adjusted themselves to the new conditions of patriotic action. "In submission to the laws which may have been or which may be duly enacted, and to the lawful orders of the President,

[1] Pearson, *Life of Andrew*, vol. ii, 48. [2] *Ibid.*, p. 50.
[3] *O. R.*, Series III, vol. ii, 543, 544.

coöperating always in our own spheres with the national government, we mean," etc. . . . "To have continued indefinitely the most efficient cause, support and stay of the rebellion, would have been in our judgment unjust to the loyal people. . . . The decision of the President to strike at the root of the rebellion will lend new vigor to the efforts and new life and hope to the hearts of the people." [1]

The document was signed by twelve governors, including Morton, who acted through a representative. The most conspicuous name in absence was that of Edwin D. Morgan of New York. It was read by Governor Andrew to President Lincoln at the White House, in the presence of the most of the signers. They then conferred freely on the situation, and tried to worry the President into a dismissal of McClellan.

We must treat Andrew "tenderly," to use his own noble language in speaking of the first victims of the war. While this great "war governor" had many of the large faculties of judgment, — generally well exercised in the public service, — his emotions often controlled his action. He opened his heart to his confidential secretary, Browne, from Philadelphia, on the 22d, in characteristic manner. "The proclamation by the President is out. It is a poor *document*, but a mighty *act*, slow, but grand and sublime after all . . . Go in for WAR. . . . Tell Claflin, Sumner, Wilson," etc., "*now*, NOW, NOW." [2]

Perhaps no situation in these difficult times involved more perilous issues,[3] as the elections were to show in

[1] *O. R.*, Series III, vol. ii, 583. [2] Browne, *Life of Andrew*, p. 74.

[3] Mallory of Kentucky said in the House of Representatives that it was "a meeting of the factious governors" at Altoona. — Egle, *Curtin*, p. 324.

accomplished fact. Yet Alexander H. Stephens, not a disinterested but a capable and discriminating observer, told Colonel McClure long after that great principles were upheld at Altoona. "But for that conference the North would have been demoralized by the Emancipation Proclamation and the failures of the Union army, and that peace would have come on some compromise."[1]

We have noted how the victorious Seymour[2] used the conference as a subtle argument while asserting the state sovereignty of New York, or a substantial form of disunion. On the other hand, Iowa was one of the few Western communities not swept from its Union anchorage, and which kept true in the elections. Senator Grimes said: "We took the bull by the horns and made the proclamation an issue. I traversed the State for four weeks, speaking every day, and the more radical I was the more acceptable I was. The politicians are a vast distance behind the people in sentiment."[3] This does not account for New York, but it indicates what might have been accomplished through a larger political faith. Vessels carry ballast to guard against the accidents of navigation, not for progressive purposes. In the old times, steamers had a load on wheels, which stalwart sailors dragged back and forth to counteract the list toward starboard or port. If caught on the wrong side they increased the risk, if halting in the centre they were nullified. Governor Morgan was a patriot, a large-minded man of affairs, who carried New York through the crisis of 1861 by his wisdom and energy. He was not at Altoona. The aver-

[1] Pearson, *Life of Andrew*, vol. ii, 53 n.
[2] *Ante*, p. 225.
[3] Rhodes, vol iv, 166.

age citizens whom he represented were caught on the conservative centre, while Seymour, with more genius and more daring for mischief, precipitated the list of the massive State toward that function of sovereignty which would end in practical disunion. New York has been too often governed by such neutralizing influences to avail of her full relative power in the United States.

That this is a fair estimate of the conditions prevailing in the mind of the North may be inferred from another line of facts. Benjamin R. Curtis, endowed with the most serene judicial intellect since John Marshall, had been a loyal Republican, vigorously supporting the administration. October 26, 1862, he published a pamphlet on "Executive Power." After reciting the facts, he pronounced of the President: "He has superadded to his rights as commander the powers of a usurper, and that is military despotism." [1]

If any one could have persuaded the North that Lincoln was a military despot, the cool and patriotic Curtis could have done it. The utterance created a mere ripple on public opinion. As law it was interesting; but in the moving springs of the time, in the profound causes which make law, it had little effect.

There was partial disintegration of the loyal hosts in Pennsylvania, but the culmination of mischief, rendered possible by party agitation, was reached in Indiana. After the fall elections, the legislature was controlled absolutely by the Democratic party, and it almost brought about a dissolution of the functions of government in the spring of 1863. Governor Oliver P. Morton was left alone virtually, and through his able and adroit

[1] Cited by Rhodes, vol. iv, 170.

use of prerogative he kept the State steadily at work for the Union. The whole matter was a wonderful episode in representative government, where the elements of disorder were subjected and forced into an active support of order. Morton set forth the tendencies of the time when he anathematized to the Secretary of War certain newspapers of Indiana and Ohio in the early summer of 1862. "They are doing incalculable injury to the Union cause, not, it is true, openly and in plain terms, but by invidious, malignant, and vituperative attacks upon Union men, by their continued apologies for the crimes committed by the leaders of the rebellion, and by their failure to condemn their cause and conduct."[1] This sort of disputation educated the Copperheads[2] of the time. The imperial aspirations of the "great West" — as it was called in the mid-nineteenth century — were a constant factor in the growth of the republic. The machinations of Aaron Burr, the Louisiana Purchase, the assimilation of Texas, the conquest of California, all pointed one way; all inspired the conscious Western American at every turn of affairs. The control of the Father of Waters, the immense commercial

[1] *O. R.*, Series III, vol. ii, 176.

[2] The practical issue embodied in the term is clearly indicated in its use after the war by John Sherman in a letter to Secretary Stanton concerning General Sherman's unfortunate mistake in the surrender of Johnston. "I do not wish General Sherman to be unjustly dealt with, and I know that you will not permit it, and especially I do not want him driven into fellowship with the Copperheads. His military services have been too valuable to the country to be stained by any such fellowship." — Gorham, *Stanton*, vol. ii, 196.

Here was a consummate politician and broad statesman dealing with his brother's inmost interests on the one hand and great national interests on the other. The innate nature of a Copperhead might include half-developed treason, or virtue gone astray.

future of the Mississippi valley, forecasted the citizen and inflamed his civic imagination. In this autumn a genuine fear pervaded the Northwest that the Southern Confederacy might succeed and might dominate the Mississippi. It affected in kind and according to conviction the patriots of the Union and the partisan clients of state sovereignty. Events thickened. A capable, patriotic — though mediocre — general like Buell inevitably must be crushed, when denounced by the able and energetic Morton, backed by the governors of Ohio and Illinois. Late in October, Morton urged the President to counteract the dangerous disaffection prevailing in the Northwest by a vigorous campaign to drive the rebels from the country west of the Mississippi.[1] His friends claim that his zeal induced the movements which resulted in the capture of Vicksburg.

Thomas A. Hendricks sufficiently indicated the curious errancy of the Democrats of Indiana by a tirade delivered in their convention: "If the failure and folly and wickedness of the party in power render a Union impossible, then the mighty Northwest must take care of herself."[2]

As above stated, the legislature attempted to ignore the governor, and claimed to reject his official message. A member moved to adopt the "exalted and patriotic sentiments"[3] in the message of Governor Seymour of New York. This was not adopted, but it indicates the temper of the body. These factious courses by partisans were taken after the practical grievances through arbitrary arrest — justly condemned in Ohio, Indiana, and

[1] Foulke, *Life of Morton*, vol. i, 208.
[2] *Ibid.*, p. 173. [3] *Ibid.*, p. 217.

Illionis — had been remedied. Despotic power construed by Judge Curtis, as against the emancipation of negroes, never seriously troubled the Northern mind. Arbitrary power, as advocated by Stevens and exercised by Stanton, to take an old man like Olds of Ohio from his home in the night and put him in Fort Lafayette, was something nearer home that touched the heart of the American citizen. But the mistakes of arbitrary arrest were atoned for in General Order No. 193,[1] which practically released all political prisoners.

In the spring of 1863, the partial sovereignty of the State of Indiana was in being, but it was exercised in a strange manner. Maine says: "Sovereignty has the possession of irresistible force, not necessarily exerted, but capable of being exerted." Our States had not complete sovereignty, but certain attributes thereof which were never lost. These subtle powers, latent in all civilized communities, were utilized most skillfully by Governor Morton[2] at this time. The legislature had adjourned without making appropriations. For two years the governor had carried on the administration of the State by his own personal energy, raising money without taxation, and disbursing it through his own bureaus. If he should assemble the legislature again, it would not make appropriations except with the passage of a military bill depriving the governor of all control of the forces of the State. April 18, 1863, Morton established a bureau of finance with his own secretary. He collected arsenal and other funds from the general government, and borrowed money from the citizens and counties.

[1] *O. R.*, Series II, vol. iv, 746. And cf. Foulke, *Morton*, vol. i, 223.

[2] Foulke, *Morton*, vol. i, 253–255.

The debts he had contracted for arms were assumed by the general government, which took the arms. For the time, Morton was the State.

All this was a most interesting experiment in scientific tyranny. Great causes are required for great results. It has been said, a tyrant must really interest and interest prodigiously a sufficient number of subordinate tyrants in the duration of his power. But Morton represented the loyal element of the State of Indiana. The nominal tyranny he was exercising in their behalf had its objective, not in any desire or profit of governor or citizens, but in the salvation of the whole Union.

It will be remembered that Speaker Grow recorded his observations of the temper of the people of the State of New York in May, 1861. They feared that the administration would not invade Virginia to maintain the integrity of the Union. That issue of inadequate administration might be indicative of others to come. Mr. Grow said with sagacious forecast, that if the administration proved inefficient "you will be as powerless in thirty days as you are now powerful. I saw many of the solid men in New York, and they have embarked their all in this contest, provided the administration will prosecute to the bitter end, if need be." [1]

These burning words fitly represent the energies of the people, eager to subdue the alien spirit of secession. Such potent energies, if turned awry and balked of their first purpose, were not to become mere neutrals in the contest controlling the whole nation. The spirits of health become the demons of disease if perverted in the body politic and sickened by a false regimen. Trea-

[1] *Ante*, p. 71.

son was the betrayal of the Union. Any attack on the government or any obstruction of its defenses was absolute treason in the belief of the practical majority of the Northern people. The Copperhead was not a traitor; he was worse than the avowed enemies of the republic who offered battle against it. This corrupting principle was nobly denounced by John A. Dix: —

> Those, therefore, who array themselves against it (the enrollment and draft) are obnoxious to a far severer censure than the ambitious or misguided men who are striving to subvert the government, for the latter are acting by color of sanction under legislatures and conventions of the people in the States they represent. Among us resistance to the law by those who claim and enjoy the protection of the government has no semblance of justification, and becomes the very blackest of political crimes not only because it is revolt against the constituted authorities of the country, but because it would be practically striking a blow for treason.[1]

This was addressed directly to Governor Seymour in the crucial times of the draft riots. It belongs here, for it shows the singular aberration of mind incurred by midway patriots of the Seymour type, blundering after state sovereignty in the interest of the Democratic party. It is a paradox that "striking a practical blow for treason" from a safe covert, maintained by loyal men against red-handed traitors without, is worse than treason itself. Yet popular intuition never errs in such contingencies, and the term Copperhead embodies the fierce practical hatred which such practices excited. Yet the superficial forms of political or diplomatic intercourse can never be disregarded, and the worst citizen has rights which the pirate loses.

[1] *O. R.*, Series III, vol. iii, 653.

Perhaps the greatest controversial mistake made by the loyal Republicans was in the frequent efforts to prove that the Democratic opposition was treason in essence. Democrats as patriotic and respectable as August Belmont would not commit treason. They were deceived and mistook their civic responsibility under the conduct of leaders like Seymour and Vallandigham, who were attempting to handle the pitchy tools of treason under the forms of constitutional opposition. Vallandigham said in the House of Representatives: "Can this war continue? Whence the money to carry it on? Where the men? Can you borrow? From whom? Can you tax more? . . . I beg pardon; but I trust I am not 'discouraging enlistments.' If I am, then first arrest Lincoln, Stanton, and Halleck."[1]

Horatio Seymour did not take the same frank and outspoken course in opposition. According to the gallant Dix he did worse virtually. There is no more incomprehensible personality in our history. He was not a vulgar partisan. In 1860 it was said of him, "Seymour is to-day the unquestioned leader of the Democracy of the State. Nor is his leadership won by the management of politicians or retained by the packing of conventions."[2]

And it is assumed by present historians that he was cultivated, sincere, and even patriotic. But this does not tell the whole story. He was not a traitor, still less was he loyal, because he could not render himself wholly and solely to the cause of the Union. Nor could he speak out like Vallandigham. For his will could not

[1] Cited, Rhodes, vol. iv, 226.

[2] Savage, *Living Representative Men*, p. 438.

determine in the things which he conceived as depending or which might depend on his determination. Vallandigham's course ended at last in prison. And however Mr. Lincoln's crude executive ways might have failed in the "arbitrary arrests" of 1862, he made no mistake in confining Vallandigham finally. People then had come to perceive with Dix that there are things worse than treason under a constitutional government. In this dilemma Seymour dropped back into a very musty and stale state sovereignty.[1] Like a dreamer befogged by his own creations he passed off into a delusion that something better than Union could be made out of three or more disunions.[2]

The embers of state sovereignty, smothered in 1861, were kindled again by adverse currents emanating from the untoward course of public affairs. When charged with treason, the Copperhead retorted with Vallandigham that the radicals of the North had been even more

[1] "The sovereignties of the States, except as they are limited by the Constitution, can never be given up. Without them our government cannot stand." — Seymour, Message, 1862, p. 21. "We must restore the Union as it was before the war. The assertion that this war was the unavoidable result of slavery is not erroneous, but it has led to a disastrous policy in its prosecution." — *Ibid.*, p. 32. The logical insight of Morton pierced these sophistries as with a needle. A Democrat descended from Andrew Jackson, he was an American through and through. He said at Cambridge City, July 4, "There are two theories in collision in this bloody contest. On one hand it is held that there is no such people as the American nation, but that there are thirty-four independent States which have made a compact from which they can withdraw at pleasure. The other theory is that we are a unit, one and indivisible." — Foulke, *Morton*, vol. i, 249.

[2] "While the North cannot hold the Southern States in subjection without destroying the principles of our government, the great Central and Western States can control the two extremes." — Seymour, Message, 1862, p. 34.

treasonable. History, as it reveals the wayward errors of those trying times, finds very poor leaders among both Republicans and Democrats. Greeley, the child of the Northern radicals, openly advocated mediation through a European power, and corresponded with Vallandigham to that effect. In private he told Raymond of the "Times" that he meant to bring the war to a close. "You 'll see that I 'll drive Lincoln into it."[1] Greeley was a greater fool than Seymour or Vallandigham, for he created his "fool's paradise" out of his immediate surroundings. In this crucial time the folly of a feeble leader fraternized with the crime of an ardent traitor. We must analyze these warring disputants to get at the sources of feeling which impelled the citizens and carried them into such mischievous partisan courses. The divided public sentiment of the North found expression through the Democratic party in political action, which was legitimate in form, according to the superficial aspect of constitutional opposition. But the inevitable effect of this erratic action in the States was to waste more and more of their blood and treasure in the necessary war for the Union.

These matters are worth close study, for they reveal the springs of government, the sources of the highest civilization, the necessary growth of a complex polity. The body politic in a modern republic is one stupendous whole, organic, articulated, carrying life or death in its unified movement into all its parts. In this sense the States misled by Seymour were not commonwealths holding single communities of interest, but organs of one great and stupendous body, impelled by one nerve

[1] Cited, Rhodes, vol. iv, 222.

current, nourished by one political circulation, which might carry buoyant health through all the parts, or if fevered, sickened, and inflamed, might poison any part to the destruction of the whole.

There were arrests which were despotic and those which were not. Lincoln and Stanton had atoned for their despotic mistakes by releasing the political prisoners after the autumnal elections in 1862. But other and necessary arrests were to come. Burke considered that to be arbitrary proceeding which might be conducted "by the private opinions or feeling of the man who attempts to regulate." We shall be obliged to apply this canon carefully. General Burnside was in command of the Department of the Ohio, and April 13, 1863,[1] he issued the famous General Order No. 38, proclaiming: "Treason, expressed or implied, will not be tolerated in this department." Vallandigham, emitting the venom of a Copperhead at a Democratic mass meeting, was arrested afterward for violating this order. Brought before a military commission, the United States Circuit Court refused him a writ of *habeas corpus*, and he could only protest against the proceedings. The commission sentenced him to close confinement during the war, and President Lincoln commuted this

[1] Cf. Rhodes, vol. iv, 235–237. Congress passed an act March 3, 1863, limiting the powers of the Secretaries of State and of War in dealing with "state and political prisoners," all proper and wholesome. The technical argument leaned toward the Copperheads; but in the view of the present writer the practical outcome of these matters was little affected by strict law. The Copperheads must have a licking, and they got it. To argue that they erred because some arrests transcended law is to misconceive blindly the nature of the Copperhead. The people — just judges in such matters — showed by their vote in the autumn that they comprehended the issue in its full force.

to banishment into the Southern Confederacy. In his passage it was necessary to guard him from the fury of loyal soldiers, but no guards were needed when he invaded the hospitable quarters of the rebels.

Much learned discussion has been devoted to this particular incident, and the matured opinions of the courts were declared against this and similar proceedings. The great and moving necessities of administration will endure, nevertheless. Our civic laws may and must be imperfect substitutes for eternal laws; but however well adjusted, they will yield to crucial necessity whenever the moving cause is sufficient. When the cause issues from the spirit of a people, it will prevail, even if law proper suffers for the time. The rules of navigation never steered a ship, nor did internal gravitation ever move a planet; the cause over and in all directed the movement. When the necessity passes, the law, not broken, but impaired, will be restored.[1]

The military progress of the summer was excellent, and ought to have been overwhelming. Grant swept aside scholastic, tactical traditions, swung his base into the air, seized Vicksburg, and opened the Mississippi; an immense material victory over the rebels, and a prodigious counter-check to the opposition of Peace

[1] This incident is treated by Mr. Rhodes (*U. S.*, vol. iv, 246–253) with his usual candor, and with ample material. His view of the President's cause, however, seems quite inadequate. I was fortunate in getting direct testimony from a competent witness — Hon. George S. Boutwell. To the question, "Did the Union cause suffer by the blunder in arresting Vallandigham?" he answered, "No. Those fellows were cowed somewhat by Vallandigham's arrest, and I do not think it was a mistake." And "Was not the President's conduct in the affair admirable?" He said, "Yes, in writing he was supreme. He must have been a very successful lawyer. Wonderful power of statement."

Democrats in the Northwest. Under great difficulties, Meade, an admirable general of the second class, defeated Lee at Gettysburg. He might have crushed him. But the second-class general calls the noxious council of war, and Meade's did not fail to spoil the possible result. Lee got off, and his army survived for nearly two years more of bloody strife. Hardly anything is more pathetic than Lincoln's suffering in the agony of this crisis.[1] In what he said, and even more in what he did not say to Meade, we recognize the majesty of the man. The local elections in the fall, especially in Ohio, brought to the bar of popular opinion these issues, which had been precipitated by Burnside in his brusque but useful Order No. 38. Vallandigham, "the pensive exile bending with his woe," was unanimously nominated for governor. Every possible partisan energy was exerted to mislead and carry the populace for this wolf clad in the garments of liberty and freedom of citizenship. The people in their might arose to meet the highest functions of the citizen. Farmers brought their wives to the mass meetings, and listened by the hour to thorough practical discussions of free government and the needs of the Union. Julian, a vigorous agitator, proposed to stop after speaking four hours in a drizzling rain. "Go on," said a farmer; "we 'll hear you; it 's past milking-time, anyhow." These stalwart descendants from 1776 were convinced that whatever legal quiddities might exact, their political action would cast a vote for or against Jefferson Davis. Never was the dictum of Thomas Jefferson more clearly demonstrated that the people are the best "censors of their

[1] Diary in Nicolay and Hay, vol. vii, 278.

own governors." The result amazed both Union men and Democrats and was a "testimony of the silent, unobtrusive voters who are sure to come out when the sentiment of the people is really aroused."[1] Brough was elected over Vallandigham by a majority above 101,000. Rather more than two voters went for the administration and continuance of the war to one against it. When we consider the tremendous influence of party affiliation, which misled many Democrats who were not Copperheads, we recognize in the result a splendid vindication of representative government.

The peculiar Copperhead reaction was felt more or less in all the States. In Pennsylvania, it was "immeasurably strengthened"[2] by the removal of the Pennsylvanian McClellan, and his supercession by Burnside. Even a majority of the Democrats had welcomed emancipation, but a blow at state pride could not be endured.

Doubtless in the assured calm of 1866 the Supreme Court could make better law, as in the Milligan case, than Lincoln or any president could have made in a crisis of the rebellion; but the best laws have always been silent in such crucial times. The angry sore in the body politic that the Copperheads had poisoned inevitably had to be brought to a head and punctured; if not by the sword, by a kindred surgical operation. The surgeon's knife never moves in the course of nature. It violently arrests disease in the interest of a larger health, which must possess the body politic as well as the human body, if life is to prevail over death.

We have been describing purely political evolution.

[1] Rhodes, vol. iv, 414. [2] Repplier, *Philadelphia*, p. 364.

By another process, significant of these times, the people of Ohio and Indiana were aroused this summer in their patriotic might. Morgan, the rebel chieftain, as well as some timid Republicans at home, had been led to believe that the Knights of the Golden Circle and the Order of American Knights in Ohio and Indiana would join him, if he actually raised the standard of rebellion on loyal soil. Their talk tended that way. These secret orders were the resultant of the hidden conspiracies of the previous year we have described in Governor Morton's words.[1] But when Morgan made his raid, the actual present enemy could not impel even a Copperhead to fight, and the people arose to expel him with the same unanimity manifested when they rallied against the attack on Fort Sumter.[2] Conflict and invasion had at last vindicated Morton's lucid exposition of the tyrannous necessity of party, proclaimed in his message in the spring of 1861: "The issue is forced upon us and must be accepted. Every man must take his position upon the one side or the other. In time of war there is no ground upon which a third party can stand." [3]

This profound development of public sentiment, separating wheat from chaff, as it did this year, was closely observed by Mr. Lincoln. No ruler ever knew his people more thoroughly, or better adapted his word and inevitable act to their mood and varying expression. He put himself on record in a remarkable letter, addressed to a meeting in Illinois, August 26, 1863.[4] While the man Lincoln was a Republican, a partisan,

[1] *Ante*, p. 224.
[2] Foulke, *Morton*, vol. i, 284.
[3] *Ibid.*, p. 118.
[4] *O. R.*, Series III, vol. iii, 731–734.

and most adroit politician, he never forgot that the ruler was leader of the whole people, and their necessary executive head. In this regard the opening sentences are significant.

The meeting is to be of all those who maintain unconditional devotion to the Union; and I am sure my old political friends will thank me for tendering, as I do, the nation's gratitude to those other noble men, whom no partisan malice, or partisan hope, can make false to the nation's life. . . . There are those who are dissatisfied with me. To such I would say: you desire peace; and you blame me that we do not have it. But how can we attain it? There are but three conceivable ways. First, to suppress the rebellion by force of arms. This I am trying to do. Are you for it? If you are, so far we are agreed. If you are not for it, a second way is to give up the Union. I am against this. Are you for it? If you are, you should say so plainly. If you are not for *force*, nor yet for *dissolution*, there only remains some imaginable *compromise* . . . in what way can that compromise be used to keep Lee's army out of Pennsylvania. No paper compromise, to which the controllers of Lee's army are not agreed, can, at all, affect that army. . . . You dislike the Emancipation Proclamation; and perhaps would have it retracted. You say it is unconstitutional. I think differently. . . . I issued the proclamation on purpose to aid you in saving the Union. Whenever you shall have conquered all resistance to the Union, if I shall urge you to continue fighting, it will be an apt time, then, for you to declare you will not fight to free negroes. Some of them seem willing to fight for you; but no matter. . . . Why should they do anything for us, if we will do nothing for them? If they stake their lives for us, they must be prompted by the strongest motive — even the promise of freedom. And the promise being made must be kept. . . . Peace does not appear so distant as it did. I hope it will come soon. . . . And then there will be some black

men who can remember that, with silent tongue, and clenched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while, I fear, there will be some white ones, unable to forget that, with malignant heart and deceitful speech, they have strove to hinder it.

We are taught that in the epical days a hero manifested himself by great and uncommon deeds. Was Milton more sublime when portraying his angels and devils than this simple American when lifted to the presidency and pleading for the poor black man now aroused to heroic acts? Was any demon of Satan's troop worse branded than the Copperhead white as he stands and soils these lines in contrast with the black freedman and soldier? Such simple justice, set forth with profound and sagacious insight into the ways of humanity, struck home to the convictions of the average citizen. The great electoral victories in the States we have treated above were foreshadowed in these admirable statements of Mr. Lincoln.

I make this long citation for its masterly exposition of the immediate situation, for its firm grasp of the issues of the summer of 1863, but even more for its lucid explanation of the whole vital question in dispute. An arbiter goes to see, and having penetrated the question at issue, decision is awarded. War is the greatest of arbiters. It brings events to conclusion, to an inevitable decree.

All this Mr. Lincoln embodies in the simplest and most direct form. Revolt, rebellion, slaughter, emancipation have induced and they exhibit three ways out, and only three,—force, to restore Union; dissolution, to

establish secession ; compromise, forcible enough to keep Lee's army out of Pennsylvania. Thereto, the compromise must be not a mere paper promise, but an agreement convincing and binding the leaders of Lee's army. Such compromise was impossible. Emancipation was irretrievable, for it issued from the great arbiter, war itself, being a word not spoken, but acted.

The tremendous categories embraced the foundations of every possible government and included the duty of all citizens. Their inevitable logic should have swept away the grounds of party difference throughout the North. They applied as well to indifferent or recalcitrant Republicans as to lukewarm Democrats or malignant Copperheads.

As we shall soon treat another sort of partisan disaffection, not occasioned by Copperheads, we may pause in the beginning of 1864 and look at the contemporary portraits of the President, showing the regard of friendly critics from various points of view. In this connection we will consider citizens and not politicians. Motley said from Vienna: "My respect for the character of the President increases every day." [1] Lowell wrote: [2] "History will rank Mr. Lincoln among the most prudent of statesmen and the most successful of rulers. If we wish to appreciate him, we have only to conceive the inevitable chaos in which we should now be weltering had a weak man or an unwise one been chosen in his stead." The wise and discriminating Asa Gray affirms that "homely, honest, ungainly Lincoln is the representative man of the country." [3]

[1] Motley, *Letters*, vol. ii, 146.

[2] *North American Review*, January, 1864. [3] Gray, *Letters*, vol. ii, 523.

Richard H. Dana wrote May 4, 1864, from interviews: —

> The cabinet is at sixes and sevens. They (excepting Seward) say dreadful things of one another. I cannot describe the President, it is impossible. He was sobered in his talk, told no extreme stories, said some good things and some helplessly natural and naïve things. You can't help feeling an interest in him, a sympathy and a kind of pity; feeling, too, that he has some qualities of great value, yet fearing that his weak points may wreck him or wreck something. His life seems a series of wise, sound conclusions, slowly reached, oddly worked out, on great questions, with constant failures in administration of details and dealings with individuals.[1]

These men fairly represented the culture of our republic, which had been supposed to be least satisfied by the elevation of the homely and rugged man of the West. We shall investigate directly the kind of men within the ranks of the Republican party who opposed his renomination and intrigued against his reëlection. The hidden dangers of Copperhead opposition were to be surpassed for the moment in practical consequences by the variance of Republican leaders, who from one and another cause — as indicated above by Dana — embarrassed the political campaign of 1864.

Meanwhile the "tyrant" Lincoln[2] was only too glad to escape the depressing military responsibility which had weighed down the commander-in-chief from the day of his inauguration. The President had been a soldier from necessity; a better one, as history reveals, than

[1] Adams, *Dana*, vol. ii, 273, 274.

[2] He followed that he might lead. About this time he wrote, "I claim not to have controlled events, but confess plainly that events have controlled me." — *Complete Works*, vol. ii, 509.

was thought at the time. Scott, McClellan, Halleck, Pope, had failed in subduing the rebellion, with the commander-in-chief supporting and never interfering except in dire emergencies. Congress revived the grade of lieutenant-general, expecting the appointment of U. S. Grant. The President gladly commissioned him, and he took command, March 9, to "fight it out."

The chief fountain of opposition to the succession of Abraham Lincoln sprung from Secretary Chase, who had many qualities befitting a leader and a statesman, but who lacked greatness. Senator Hendricks of Indiana had made a vicious partisan attack on the secretary, March 11, for his management of finance, which was unmerited, for he had served the country well in this regard. In the larger field, his own ambition overleaped itself and he thought "a man of differing qualities from those the President has will be needed for the next four years." [1] The President's faults in administration were many, but his conduct of his own self, when there might be conflict with other selves, was brilliant and magnanimous beyond all encomium. In no case does this appear more vividly than in his whole intercourse with Chase.[2]

When Mr. Chase, the politician, had satisfied himself that he had no chance for himself, he fell into the movement for renominating Lincoln. The meteoric Greeley, an erring comet in every crisis of these times, thought Frémont or Butler preferable to Lincoln.[3] But the patriotic politician of Massachusetts, Henry Wilson, was "most loud and bitter. His open assaults were amazing." [4] Thaddeus Stevens, the radical leader of the

[1] Cited, Rhodes, vol. iv, 457.
[2] Cf. *ibid.*, pp. 459, 460, 480.
[3] *Ibid.*, p. 461.
[4] *Ibid.*, p. 463 n.

House of Representatives, a stronger man than these, said even after Lincoln's reëlection, that a majority of the loyal people would have chosen General Butler to be President,[1] if allowed. Absurd; but it was Stevens's absurdity. These revelations are melancholy in view of subsequent events. Popular government is the best government; but popular leaders cannot lead in a crisis; the people lead and the politicians follow. Lincoln's invincible confidence in the people and their corresponding faith in him saved the state.

Mr. Lincoln was renominated almost unanimously, June 7, at Baltimore, four days after the severe reverses of the Army of the Potomac at Cold Harbor, Va. A great misfortune befell in the nomination, also nearly unanimous, of Andrew Johnson, a war Democrat of Tennessee. As was said at the time: "We were accustomed to turning down our own men for Democrats who were not so good, but who were better than the majority of their party."[2]

This suggests the whole matter — very difficult in actual practice — of party management in the conduct of war and government. Governor Morton, who was a strict partisan, early laid aside all party spirit, appointing Democrats to places, when his Republican allies strongly objected. "Democrats must take part in the struggle as well as Republicans and receive equally fair treatment."[3] After experience, he said of all appointments: "I tried to please everybody and his friends, but I soon found that would not do. I found that out almost immediately,

[1] Rhodes, vol. iv, p. 462.
[2] Cited, *ibid.*, p. 470.
[3] Foulke, *Morton*, vol. i, 150, 153.

and I then determined that I would follow the dictates of my own judgment without fear or favor."

Ostrogorki, a disinterested and philosophical observer, remarks that Mr. Lincoln's "eminent qualities" could not subvert party policy. "He could not appoint Republicans and Democrats to office indiscriminately."[1]

A very peculiar and instructive dispute involving national control, state-rights, and the coördinate powers of the executive and legislative branches of government culminated in the Wade-Davis manifesto, August 5, "a bitter attack on the President." It embodied the malicious undercurrent of opposition to Lincoln within the Republican ranks, even after his nomination, and used the political occasion of a bill vetoed by pocket merely as an opportunity. The bill provided for the reorganization of a state in rebellion with a prohibition of slavery. The President, supported by his cabinet, claimed that Congress had "no constitutional power over slavery in the States." When reminded that he had controlled it in his own action, he replied that he could, "in an emergency, do things on military grounds which cannot be done constitutionally by Congress." The radical leaders seemed to have forgotten the kingly survival in the executive and to have imagined that Congress had evolved into an exaggerated "town-meeting." The paper manifesto of the bolting leaders termed the President's course[2] "a grave executive usurpation. . . .

[1] Ostrogorki, *Democracy and Political Parties*, vol. ii, 113, 115. Lincoln's final wisdom was so thoroughly proven that even his "bad" appointments must be judged cautiously. Julian objected in a certain case, only to draw out, "There is much force in what you say; but in the balancing of matters I guess I shall have to appoint him."

[2] An amusing illustration of the inflexible courage and practical humor

He must understand that our support is of a cause and not of a man; that the authority of Congress is paramount and must be respected." [1]

All this and similar culminated in a private call from New York city for a new convention in Cincinnati, September 28, to nominate a new Republican candidate for President. Greeley, Chase, Winter Davis, D. S. Dickinson, Governor Andrew, directly, others partially, supported this movement.[2] The proposed convention did not meet. The Democrats reviled Lincoln the "tyrant" oppressing his individual subjects. The little congressional magnates [3] reproached him, as usurping their peculiar functions of government. Lust of power might and would corrupt the best man. Power for Abraham Lincoln was not an intoxication of the individual will; it was the domination of every personality, including his own, for the actual good of the state. Mistakes in such crucial times are inevitable, but the high exercise of all the popular prerogatives, concentrated in one person, must not be confounded with the doings of an old-fashioned half-civilized tyrant. To call Lincoln a tyrant or usurper was mere detraction, as the people discovered and vindicated at the polls in November.

of Lincoln was current at the time. His intimates asked if he was not troubled by the manœuvres of Wade & Co. "It reminds me of a story. A boy excited by what he had seen through a microscope said to his father who was eating cheese, 'Do you know you take in thousands, perhaps millions of little animals at every bite?' But the father answered, 'I can stand it if they can,'" and the victim continued eating as quietly as if he were the victor.

[1] Cited, Rhodes, vol. iv, 487.

[2] Cf. *ibid.*, p. 518.

[3] Wade had long sneered at the President, claiming that Congress should not wait for the "royal pleasure." — *Globe*, 1862, p. 3375.

Greeley, Thurlow Weed, Raymond, and many other leaders said in August that Lincoln's defeat was certain. The dire obfuscation of the Republican leaders [1] is finally summed up, September 21, in a private letter from a prominent radical: —

> . . . The apparent certainty of Mr. Lincoln's defeat. All this is changed. The outrage on the nation perpetrated at Chicago, the fall of Atlanta, the success of the cause in Vermont and Maine, render that impossible and unreasonable which then seemed our only safety. We must now place ourselves in the van of the fight.[2]

All this in a month, through a mere change of the point of view.[3] Was there ever more complete confession that people cannot comprehend the causes and true meaning of events as they occur? The occasion of this mighty change was not its cause. The cause of change was in the patriotic insight of the Northern people, aroused to new consciousness and always trustful of the people's servant, Lincoln. The same water, deep in the trough of the sea, in a moment becomes the towering crest of the wave. Farragut's victory at

[1] Cf. McClure, *Our Presidents*, p. 183. "Chase, Wade, H. W. Davis, Greeley were bitterly opposed to Lincoln's renomination. In addition, Sumner was not heartily for him; Stevens was earnestly opposed, and the extreme radical wing of the party was aggressive in its hostility. Lincoln's strength was with the people."

[2] Cited, Rhodes, vol. iv, 528 n.

[3] September 7 Governor Andrew proposed to Governor Yates that he, Brough, Morton, and any Western governors should meet him at Washington to talk over "the present attitude of our public affairs with the President." Nothing came of this apparently. "I would *spurn* the bare *suggestion* of ceasing hostilities *now*, and the very thought of dealing with the rebel chiefs with peace; but I would seize the occasion for an appeal to all the *people* both North and South." His motive was to influence the coming election. — Schouler, *Mass. in the Civil War*, pp. 575, 576.

Mobile, Sherman's capture of Atlanta only concentrated expression of the deep and powerful sentiment inherent in the people; the victories then produced an effect beyond the ken of superficial politicians that manifested itself in an overwhelming rush to reëlect the well-tried leader, Abraham Lincoln.

We have narrated this interesting aberration of party conduct in the prosecution of the war; but it should not divert us from the main topic of party estrangement. The Republican opposition to Lincoln greatly increased the difficulty of moving forward the burden of the state; yet it did not, like the Democratic resistance, attempt to change course and carry the government into the sloughs and morasses of peace and failure.

The Democratic convention met at Chicago, August 29, and easily nominated General McClellan for the presidency. Horatio Seymour[1] presided and Vallandigham made the substance of the platform. The famous Copperhead had returned home from banishment, contemptuously overlooked by the executive. His condemnation and practical release served the cause of order and good government equally well. He forced the weak-kneed Democrats to "explicitly declare that after four years of failure to restore the Union by the experiment of war . . . convention of the States that . . . peace may be restored on the basis of the Federal Union of the States."[2]

[1] He declared in his speech: "This administration cannot now save this Union if it would. It has by its proclamations, by vindictive legislation, by displays of hate and passion, placed obstacles in its own pathway, which it cannot overcome, and has hampered its own freedom of action by unconstitutional acts." — Thomas, *Dic. Biography.*

[2] Nicolay and Hay, vol. ix, 254.

At first McClellan and Pendleton was a popular ticket, for the hesitating people did not perceive what it all meant. The Republicans, as above stated, hastily got into line ; and with their customary polemical skill construed the manifesto of the Democracy for instant comprehension. As they put it, the Democrats said, "The war is a failure." This statement might or might not be true ; but it was purely a question of fact, to be interpreted by Grant, Sherman, and Farragut. That the misfortunes of the war should be used virtually to turn the Union over to rebels and traitors was a time-serving proposition quickly repudiated by the average voter. That the controversial pause should be improved by calling Union-saving conventions after the manner of 1860 — ignoring the momentous fact that thousands of slaves had been freed and armed — was a scheme so ridiculous that it was soon thrashed out in the breezy common sense of an election canvass. "Blood and Iron" do not reason after the fashion of the Democratic convention. That men of the intellectual capacity of Horatio Seymour and Robert C. Winthrop should have been muddled thus by events is a curiosity of history.

Seymour and the old Whigs arraigned the inevitable contractors and profit-makers with their supporters in the Republican party, as if these birds of prey made the war, instead of the rebels who raised the standard of the Confederacy and the Copperheads who malignantly supported the rebellion. From these larger activities the petty followers descended to slander. The "New York World," a would-be respectable journal, asserted "'Honest Old Abe' has few honest men to defend

his honesty,"[1] — a slander so foul that the paper almost shrivels under the words.

The people who had been so depressed in August met in November and pronounced their verdict on their rulers, and upon the agitators who would have subverted those rulers. Education, the intellectual enlightenment of the individual man, is not easy; how much more difficult the effective instruction of the civic body politic. When we concede that party and "extra-constitutional organization"[2] in our country enters into every process of political action from the choice of a constable to the election of a president,[3] the repudiation of the Democracy by the people at this time was marvelous. Party dogmas in this intense political atmosphere have the binding force of "creeds."[4] Well might the sage of Concord say: "Seldom was so much staked on a popular vote. I suppose never in history."[5]

Lincoln won 212 electoral votes, McClellan 21, and there was a popular majority for the Republicans of 494,567.[6] In the comparative figures given below, there

[1] *N. Y. World*, September 22, 23; October 1, 1864.

[2] Ostrogorki, *Democracy and Pol. P.*, vol. ii, 540.

[3] Ford, *American Politics*, p. 302.

[4] Cf. *ante*, p. 11.

[5] Cabot, *Emerson*, p. 609. "Thomas Hill Green used to say that the whole future of humanity was involved in the triumph of the federal arms." — Bryce, *Contemporary Biography*, p. 90.

[6] It will be interesting to compare the votes of the States we are studying, in the elections of 1860 and of 1864: —

	1860.					1861.	
	Lincoln.	Douglas.	Breckinridge.	Bell.		Lincoln.	McClellan.
Massachusetts,	106,533	34,372	5,939	22,331	Massachusetts,	126,742	48,745
New York,	362,646	312,510			New York,	386,726	361,986
Pennsylvania,	268,030	16,765	178,871	12,776	Pennsylvania,	296,389	276,308
Indiana,	139,033	115,509	12,295	5,306	Indiana,	150,422	130,233

These figures are taken from McClure, *Our Presidents*, pp. 175, 193. The comparison is very suggestive. Roughly McClellan's vote in Mas-

will be found more political problems than we have space to expound.

The development in Massachusetts was the natural outcome of the whole political situation in these years. Indiana showed a wonderful education of its whole people in the great principles underlying this contest, as they were represented and vindicated by Oliver P. Morton. Senator Grimes's significant words [1] of Iowa in 1863 should be remembered in this connection. Pennsylvania has been noticed already. But New York! It is fair to consider all the circumstances and condition of events treated in this chapter, which puzzled the Democrat and affiliated him with the Copperhead. Nevertheless the facts stand. The "Empire" State absorbed the noxious personality of Seymour and his fellows and cast some 360,000 votes in indorsement.

A tremendous consequence of this election was in the return of enough Unionist members to the House of Representatives to give the requisite majority for a two thirds constitutional amendment, and to effect the abolition of slavery.

This course of events, from the summer of 1862 to the autumn of 1864, is more interesting, if possible, than the first period of rebellion and war. The great forces of the nation were grasped by the administration at Washington and managed for the restoration of the

sachusetts equals the whole opposition of 1860, less two fifths of the Douglas vote. In Indiana, where the Copperheads did their worst, the opposition of 1860 was actually diminished. In both New York and Pennsylvania, McClellan gained heavily over Lincoln's opponents in 1860. A portion of the result in Pennsylvania may be ascribed to McClellan's personal popularity in his own State.

[1] Cf. *ante*, p. 232.

Union. At the same time, a certain mutinous spirit, latent in the North, sometimes by secret association, as in the West, always and everywhere by treacherous effort sought to embarrass the administration in its prosecution of the war. These embarrassments culminated in the condemnation and banishment of Vallandigham on the one hand. In other respects, an undisguised opposition under the forms of constitutional right was established by Seymour and his kind. Either and all these forces naturally sought the Democratic party for an outlet and instrument of the mutinous forces threatening the regular administration. They used arbitrary arrests, emancipation, corruption in contracts, for displaying their constitutional and legal garments, as fashion-figures are used in the shops.

Seymour and the moss-grown antiquaries reverted to the old types of state sovereignty[1] in constructing any form of opposition to the Union enforced by arms. Their political comprehension was well portrayed in the couplet: —

> "pale antiquaries pore
> Th' inscription value, but the rust adore."

The adoration of political conservatives of this period for the civic rust and mould of previous generations is as ludicrous as it is painful. The practical political outcome of this sort of leadership, when rendered into action by the common citizen, was manifested in resistance to the draft.

Lincoln was freely anathematized as a "tyrant," who usurped the nation's rights, by these Pecksniffian patriots. Morton actually did the work of a tyrant at this

[1] Cf. *ante*, p. 240.

time, when leading the State of Indiana in the way its people wished, but where a momentary fickle majority of Democrats, possessed of the legislative machinery, would have repudiated his action. Not since the early Greek kingdoms has more wholesome tyranny been exercised by a people's representative in the interest of a people. Names do not always convey things. Morton did these things without sovereignty, while Seymour was laboring to explain to the "Empire" State in what sovereignty consisted, for its millions of people. In 1863, the more salient of these exciting forces were marked out, contested, and subdued by great popular victories in the Western elections.

An extraordinary political tremor affected the body politic, in the revolt within the Republican party against Lincoln's leadership that occurred early in 1864. Like all misdirected political strategy, it proved to be a boomerang. Chase, Wade, Stevens, Wilson, and the rest, in exalting themselves and in magnifying their own political parts to depress Lincoln, finally raised the plain man of the West to a higher elevation, and into the very best appreciation of the American people.

The presidential campaign against the Democrats in 1864 was a thorough popular course of instruction in the issues of government. The subtle fallacies of Seymour and Hendricks, wrapped in the smooth garments of party representations and colored by party phraseology, deluded too many sincere Democrats, as it was. But, on the whole, the people comprehended that any assertion of state sovereignty, however modified and veiled, while other States were in armed rebellion, would certainly end in some form of resistance to the law.

And with General Dix they perceived that to be, at this juncture, "the very blackest of political crimes." [1]

The able, candid, masterful words of Lincoln,[2] uttered in this period, that "force, dissolution, compromise" were the only sufficient categories to convey and control passing events; that force, having been undertaken, must be accompanied and completed by force; that force in its imperative straits had embraced the black man enslaved, then had rendered him into the freedman and armed patriot; that "white ones with malignant heart and deceitful speech" had hindered, but could not prevent, this triumphant progress of humanity, — these positive affirmations, interpreted aright and converted into executive action, by the greatest statesman of the time, saved the United States in 1864 from dissolution and from possible anarchy.

[1] Cf. *ante*, p. 238. [2] Cf. *ante*, p. 247.

CHAPTER VII

THE PEOPLE UNDER COMPULSION

THE progress of our discussion moved beyond the succession of events, through the necessity of ascertaining the new developments of party organization, brought about by the efforts for suppressing the rebellion. We have been occupied mainly with the relations of the administration with the governments of the States. We are now coming to its direct contact with the people of those States.

The Union in the first year, or thereabouts, after the election of Lincoln, found a way to coerce a state. In the twenty months following, more or less, it confronted another problem, whose successful issue was not less essential to its existence. As we have attempted to show, if events in the first year had so shaped themselves, there might have been a comparatively easy struggle, overcoming the Confederacy, before it could organize its whole strength to resist the forces of order and good government. It was not so to be; and after volunteering had exhausted the ready supply of men available at the North, the administration was urged eagerly,[1] by its loyal supporters in the summer of 1862, to draft for military service. It proved, after some disastrous troubles, that it was as easy to compel each individual citizen to support a central government as it finally was

[1] *O. R.*, Series III, vol. ii, pp. 212, 223, 422.

to show that each State must support that government. This was not a new discovery or application of governmental force. The fathers of the republic had foreseen that, to make it a competent government, it might be necessary to bring every citizen capable of bearing arms into the service of the whole people.[1]

But peace had been so general in the happy conditions of the isolated republic, so long continued, excepting the petty Mexican War, that the individual citizen had come to believe that political liberty was the free exercise of his individual will. How could there be a theoretical harness for body and limbs which had never known gall or pressure. The will of the people had been exerted magnificently in 1861, when individual volunteers had been carried along by currents of enthusiasm, which exalted and possibly substituted themselves for the exciting force of individual impulse.

Now the situation had changed. The causes of controversy had widened and deepened until the whole organization of society and the constitutional foundations of government were imperiled, as it seemed to some timid and conscientious citizens. There were not wanting fair-weather preceptors who could prove that it was the business of a written constitution, not to save the life of the country, but to save the least of its own technical details.

These differing opinions had passed beyond the sphere of regular political action. They had come to affect the proper allegiance of the citizen in the very essence of

[1] An act in amendment was passed in 1795, to call forth the militia "to execute the laws of the Union, suppress insurrections, and repel invasions." — *O. R.*, Series III, vol. ii, 280.

his connection with government itself. We must remember that rebels North and rebels South were creatures absolutely different. History may deal with one sort as mistaken rebels and failing revolutionists. The other sort were recreant and apostate citizens. Official position and representative trust only increased their proper responsibility. It could not diminish the obligation of their duty. As early as January 8, 1862, Thomas A. Hendricks had said in a Democratic convention in Indiana, "Fanaticism, bigotry, and sectional hatred are doing the work of evil upon a great, generous, and noble people. . . . If the failure and folly and wickedness of the party in power render a Union impossible, then the mighty Northwest must take care of herself."[1] We have noted the effect of these arguments on each individual as they affected recruiting in Iowa.[2] July 9, Governor Morton and his state officers sent a memorial to the President urging the "vital importance" of a law for enrollment and draft. "We send you this as the result of our conclusions from what we know of the condition of the Northwest. This is confidential."[3]

The loyal element of the Northwest had set forth the simple fact, the "government needs men." Then, as always, these stalwart patriots, bred from all the blood and bone of the whole American stock, embodied the strongest current of the national life. Like the absorbing current of their own Mississippi, their national desire flooded every source; and would burst all barriers in its way to the gulf, in its onward course toward national power and prosperity.

[1] Foulke, *Morton*, vol. i, 173.
[2] Cf. *ante*, p. 220.
[3] *O. R.*, Series III, vol. ii, 212.

Traditions, institutions, improvised organizations — supporting the administration — had failed gradually in developing the largest possible army. The essential characteristics of an army, in the European sense, are "its national character — that is its representing more or less the will and the power of the nation or its rulers." [1] In America, the actual foundation of the army must be in the people, "the mass of persons inhabiting a place; subjects or citizens, as distinguished from their rulers or from men of rank and authority in any profession; the commonalty; the populace; usually preceded by the definite article." [2] Is the definition sufficient?

The wisest may well pause and study the significance of the word. It carries within its etymological structure a whole leaf out of the history of civilization, an embodiment of political progress. In the early days of the Roman Republic, being included with the Senate, it formed a governing class entirely distinct from the populace or plebeians. In those primitive times, when coördinated with the Senate in the business of government, it was socially and politically a subordinate aristocracy. From this strict classification, the word has gradually widened its scope, until it includes all the effective members of the American body politic. In royal governments, kings always said, "My People." This phrase was a political ideal toward which the actual socio-political fact has constantly tended.

Do not imagine that this historical evolution is easily traced, or that it always moves in plain, direct lines. Blackstone, reflecting the movement of the eighteenth century, loosely defines people in two senses. The first

[1] *Encyclopedia Britannica.* [2] *Century Dictionary.*

includes all human beings in a country, governors or subjects, male or female. These he divides again into aliens and natural born subjects, or into clergy and laity. The second definition puts king and parliament into one class, while all other members of English society are included in the term people. These classifications have been severely criticised, but they were perhaps the best working definitions of the time and circumstance. The subtle evolution of the word is fairly reflected in a phrase uttered about 1825, by Viennet: "The people is now proud as a gentleman. In the greatest lord, it would see only a man."

We shall better comprehend the great political significance of the term, if we separate and distinguish the purely social part of the meaning. The United States was formerly classed, by capable thinkers, under the aristocratic forms of government.[1] In a political sense, our country has almost literally realized the royal phrase, "my people." Excepting the South, with its abnormal race problem, no American community would think of excluding from the people as a political society any one who was not an alien or a criminal. Socially, the word is used in a different sense. To define and exclude the rich, we say "common people;" or we say rich and poor people; or people of a city, as distinguished from that of the country. Though wealth is potent in America in many ways, rich persons have no political recognition.

The French distinctions, stated so forcibly by Viennet, could not have the same significance here. If we construe them in the broadest sense, to embody the intan-

[1] Lewis, *Political Terms*, p. 79.

gible results of wealth and culture, — a fine expression of social refinement, — yet they would not apply in American society. The term gentleman has often been restricted to the ways of a particular class; then to an affectation of the manners of that class. But there is a larger signification of the noble term, in which all would agree, and would apply it to universal manners. A barefoot boy, yielding the privilege of the pavement to a lady, would be called a gentleman by every one. This is the popular aspiration for the ideal embodied in the French apothegm, where the people would bring itself to the imaginary perfection of a lord, and itself realize and put forth the completed man.

People, in a political sense, must not be confounded with the electorate. People includes men, women, and children, and it means the basal form, the raw material of the whole political organism. Voting electors are the first defined political organ, the people being an amorphous political substance. If we consider it as plasma, and the electorate as protoplasma, then representatives — in town, county, state, or national government — are the rudimentary organs and expressions of the popular will. The American representative has gone through various forms and methods of responsibility, but he has tended toward a more and more direct obligation to his principal, the electorate. An American politician never says " my patrons " or " my fellows," he always addresses " my constituents." There have been many aristocratic tendencies in different parts of the United States, which might have grown into oligarchy under favoring circumstances. The reason of the contrary drift, and the wholesome democratic growth of our country, is to be

found in the ordered autonomy of the people. The simple personal element, the innate dignity of man, has been gradually growing and expressing itself better and better. This mastering factor of personality has prevailed over institutions and environment, and it is constantly renewed from the people.

So forcible an illustration out of our own time of the essential power of man in politics and state-craft is ready to our hand that it must be mentioned, for it will accord with the consciousness of every one and harmonize with his aspiration. Theodore Roosevelt was a simple man, out of the best sort of people. He took politics simply, doing the nearest duty manfully. Official position adopted him, on account of his excellence; for the bosses not merely neglected him, they despised him and his whole scheme of political evolution. He made mistakes, but they were forgiven. War stimulated and made manifest his sterling qualities; then the bosses of his native State made him governor. Likewise the greatest bosses made him second officer of the republic, to secrete him neatly, to conceal this honest scion of the people, to hold him out of the political current, which might carry him to the headship of the nation. Circumstances made him president; then he outgeneraled the bosses at their own game. The people, out of its great heart, recognized a man, and made him chief by a magnificent majority. Secure in this preponderating representative capacity, he led the nation to a task considered impossible in the old world. He arrested two great empires — battling with the largest armies ever known — and brought them to confer peaceably at a little town in America. When conference flagged, his

courageous initiative and persistent energy entreated the magnaminous spirit of the protagonists into the ways of reason, and finally brought peace to the anxious world. The Tsar of Russia congratulated him on the "successful conclusion owing to your personal efforts." In all the wonderful career of Roosevelt, the man has prevailed.

The term nation has a certain meaning which must be considered in this connection. It might be argued that nation is coming to mean in these days a type of structure instead of a line of descent. "Each nation has its customs, its manners, and each people has its government." Lineage, language, historical tradition, inherited laws, at times any or all of these make a nation. In this sense, we ascend from the family, through the tribe and horde, into a nation. Something more than this makes a people. The office of king, elective or hereditary, as distinguished from a tribal chieftain, came from the people.

Nation and nationality are often improperly confounded with the idea of the state. Hélie well says: "The nation is the moral body, independent of political revolutions, because it is constituted by inborn qualities which render it indissoluble. The state is the 'people organized into a political body.'" The exigencies of European politics do not allow the full force there of this definition. As examples we have the relations of Alsace and Lorraine to the German and of Ireland to the British Empire. In a composite government and a composite society like the United States, these factors are necessarily merging rapidly into one new order. I give below a large definition of the state. It suffices now

to consider in this relation the specific analysis of Hélie. The South, animated by the will of the moral body, — impelled by slavery, — attempted to control the people organized into a political body, which was the United States. The attempt failed, for the whole mastered the parts.

Various causes formed the European nations and states; one overwhelming political cause formed the United States. This controlling political factor modified the previous traditional, hereditary, or circumstantial causes that shaped the life of European communities. In Plato's twofold idea of the state — *i. e.*, individuals leaning together for the satisfaction of many differing wants — stability and desire were balanced. The despotic form of state, where individuals were remorselessly sacrificed to stability, was passing away in the more enlightened Grecian time. For thorough stability it is necessary to give to the modern state or political entity much of the personal and moral quality constituted in the nation-element, as it is rendered in Hélie's definition I have cited. Contrariwise, when a state is surely grounded politically, it can allow much latitude to personal and individual freedom.

We shall understand our own peculiar conditions if we study separately the very different affairs of Europe. No one has weighed this serious problem more carefully than the thoughtful Renan, or set it forth in more brilliant expression.[1] He holds it a great error to confound race with nation and to attribute sovereignty to ethnographic or rather linguistic groups. France, England, Germany, and Russia will be for hundreds of years

[1] Lalor, *Cyclopedia*, vol. ii, 924.

"historic individuals." This, as will be perceived, is a modern and is not the ancient rendering of the term nation. The Germanic peoples, in the period fifth to tenth centuries, did not change the races of France, Italy, or Spain, but, imposing aristocratic government upon them, they made a "fusion of the peoples." A French citizen may be a Gaul, Burgundian, or Visigoth, or all of these together. The essence of a nation is that individuals must have many things in common, "also must have forgotten many things." In this sense the nation is the historic result, a series of facts all tending to the same end. Dynastic causes may prevail; they are not absolute, as we see in Switzerland and in the United States. Nation is not based on race; there is no pure race. Nor upon language; language invites to union but does not compel it. Languages are historic formations that "give little indication of the blood of those who speak them."[1] Religion, which once comprehended the very existence of the social group, is not the key; nor is community of interests nor geography. A nation, according to Renan, is a great "solidarity," constituted by the sentiment proceeding from sacrifices that have been made, and anticipating those the community is still disposed to make. It supposes a past. "Man is not the slave of his race, his tongue, his religion, or of rivers or mountain chains. A great aggregation of men, of sound mind and warm heart, creates a moral conscience, which is called a nation." Another French writer, M. Block, has said that nationality is an impor-

[1] "The Poles are a nation, speak one language, broadly of one race, but are citizens of their separate states. The Swiss are a nation, citizens of one state, but they speak at least three languages." — Wyndham.

tant political element, not necessarily a controlling one. It is a sentiment of doubtful purity and "does not flow generally from justice or personal dignity, but from hatred of the foreigner, and frequently from ignorance." Barbarisms and despotisms often nourish powerful nationalities. Authorities generally agree that it is a hindrance rather than a help in the higher course of political development, which is coming to inspire and regulate civilization.

We may now define people in its largest political significance. It includes peoples, nations in the lineal sense, and races in one amalgam. This is a new sovereign or governmental stuff. It may make kingdoms, empires, or republics, according to the nature and circumstantial development of the stuff. Mr. Roosevelt[1] has shown an exact socio-political parallel to this genesis and evolution of a political people in his study of the settlements formed on the Western slopes of the Alleghanies. The Scotch-Irish race mingled with English, a few German, Dutch, and Huguenot French families formed the social fringe of the Atlantic colonies and States. This pioneer vanguard of civilization made a singularly homogeneous mass of backwoodsmen. Whatever their origin or previous locality, they were all alike and were all American backwoodsmen in the socio-political work which had fallen to them. To hunt bear or Indian, to plant corn, to call a county meeting, to marry their children, to preach and pray, to organize courts of justice, — all these varying steps in civilized life became their daily walk by almost preternatural intuition. The people moved

[1] *Winning of the West*, vol. i.

forward with one purpose and generally with one method.

While the process was more dramatic and picturesque in the limited opportunity of the eighteenth century, it was essentially similar in the nineteenth century. An equivalent fusion of race characteristics and previous experiences has been proceeding and working itself out in all the United States. This elastic backwoods element, mingling with itself citizens from the old Atlantic States and a constant stream of immigrants from Europe, has settled and improved our section of this continent, especially the portion called the West and Northwest. Combining blood, hereditary experience and national tendency, it has formed the amalgam of the American people; and as President Walker pointed out, has made the formation of the completed American character. The experience of the seventeenth and eighteenth centuries, colonial settlement, revolution, and establishment of the Union, all led up to the formation of these great Western communities, on a new basis and through a new ideal. These new States did not look to the American past, — such as it was, — to the historic consciousness of Atlantic communities, or to the embers of European nationalities and races, for life and inspiration; the new States looked to the Union, the American mother of their political being. The Anglo-American George Washington of 1789 became the Western American Abraham Lincoln of 1861. Thus, though we may have had no national past in Renan's sense, his ideal of a nation with a distinct moral purpose has been perhaps more fully realized here than anywhere else in the world.

We have treated of the social and political population, with the underlying nation grown out of historic causes and more or less sentimentally developed. This process gave us the American people, a moving political amalgam, living with a moral purpose diffused and circulating through the States, then concentrating and cherishing its ideal in the heart of the States — the Union. We must now consider our people as one family, in which a great and significant admixture of blood has been made. The facts of this historic mixture have constituted a problem which has vexed many thinkers, and has brought terror and blind fears to the hearts of many patriotic Americans. I believe this race-problem can be solved by the same great and overruling political principle which has prevailed in our history, and especially in our Civil War.

Any study of races and the progress of races must regard the great truth, that character always surpasses mere intelligence in the development of humanity.[1] Declining Rome had more intelligence, finer minds, and better culture than the Republic, but there was far less of character and that virtue which builds and sustains communities. The Eastern empire — the most cultured region of its time — was easily overcome by Mohammedan barbarians, ignorant of literature and art, but possessing the faculties fitted both for conquest and for self-control.

When we enter the advanced period of a civilization, intelligence and the work of the intellect assume a new importance. So much force has been engendered through the progress of society itself, that intelligence

[1] Le Bon, *Les Premières Civilisations*, p. 151.

in individuals must be had to direct and move forward the great mechanism which the progress of society has created. Creative and not mere assimilating intelligence then becomes the directing power in a society possessing the dominant energies which generations of character have accumulated.

This hasty survey indicates some features of the paths trodden by the great races or types of mankind in their past development. Doubtless, the main subdivisions of the Aryan race, like the Latin and Germanic, or Celtic and Teutonic branches, were fixed long ago — at an early period in the great business of race making. Yet it is an essential part of this study to bring out the modifying tendencies which have characterized sub-races. In illustration of this great process, we can almost see the Saxon Englishman, seeking and adopting those social conditions that tended toward self-government. His Frankish kinsman implanted his gallant, chivalric nature in the very bosom of the Gaulish Celts. The Armorican Celt engrafted his loyal chieftain-loving self upon the stronger, deeper, never yielding Iberic — that toughest of races, so far as we know. The Norseman varied from the great Teutonic stock in a way and fashion peculiarly his own.

These races, — with others, — acting under the conditions of feudal society, made our modern Europeans, *i. e.*, the men of England, France, Germany, Ireland, etc. The Roman culture, through government, law, and religion, affected them all, but affected them in very different proportions. As I have indicated, this concurrent movement of civilization made the conditions of a breed — an environment which moved along with the

race movement and tendency. It was a social and political breed, and the resulting progeny was transferred to America. The English Teutons — not only by their numbers, but through their self-governing capacity — took the political lead in the new colonies. All the larger features of these differing races came into action here under new conditions. The positive changes of life here stimulated the strong elements, and at the same time tended to slough off the weaker elements of race.

We are to remember this was not a mere welding of the race-metal, a new arrangement of the layers of the old structure. The American crucible, driven by a fierce political heat, was reducing these old organisms into a molten stream, a new form of life. Race itself, the root structure, was modified and worked over into new forms and new social organisms. The elastic nature of American society enabled it to vary the plastic races into new types of individuals and families. For example, Andrew Jackson was an Irishman, but what biologist or philosopher can identify him with any Celtic stock in Europe? The American social and political crucible changed the old institutions of family tribe and nobility, intended to perpetuate power in classes. In consequence, only the strongest individuals survived to inherit and perpetuate the new system. Weak scions, depending on old institutions, had not enough vitality to project themselves into the new social life. Accordingly the American race, as such, was being bred from the stronger individuals of the old races.

It was inevitable that the positive change in the American state, a change going to the foundations of

society, should alter many conditions of heredity, as they had existed. The revolution was a political change with far-reaching consequences. Personal organization, personal force embodied in the state, as above mentioned, was relegated to individual citizens. The state, instead of representing the few, had become the property of the many. Neither property nor privilege controlled the state now. The tribal ascriptions of chieftains became the inheritance of electors and voters. All this was an essential political development. The citizen was now a constituent of the political power, exerting political force — as distinguished from tribal, aristocratic, or theocratic powers, putting forth social forces.

From the new political conditions there came new social opportunities and new energies. The individuals and families of the United States were in a new social atmosphere. Whether immigrants were English, Irish, Dutch, or French, their children took a new bent from the life surrounding them. The evolution of individual and family life, conflicting with as well as assimilating to social conditions, has been the constant theme of drama, romance, and novel. Especially in Europe, and in local districts of England, has the struggle of individual freedom with necessary social environment been depicted in fiction truer than common life. Race has been the main stem from which these social fibres were drawn out. The political race or people thus brought out from the liquefying and annealing process of American life has moulded the nation into the solid structure of the state. The controlling political element — the flavor, so to speak — of the racial development was in the Anglo-Germanic tendency toward self-government. The

impulse of the individual citizen moved from his own centre, but always tended toward the political action and conduct of his fellows. This political tendency, strangely difficult for Latins and Celts, became easy enough for any stock of Americans, carried into new racial grooves by the movement of the Anglo-Germans, including the Dutch. The political race-tendency was extended by its new opportunity, then reacted upon this opportunity in the formation of the American state. Local institutions firmly grounded the individual citizen in his right of initiative and in its corresponding restraint of self-control. Thus person, family, race, nation were fused into one grand political current — the people. The people took on a majesty more than human, and less than divine.[1]

We have been dealing chiefly in our study with the larger human elements of the people, as this great passionate body-politic was summoned to sustain the government of the Union. Now we must take up the average, and include the lower part of the populace, which in any long tide of human affairs must help to govern as well as be governed in working out its destiny.

August 4, 1862, under the authority of Congress,[2] the President called for 300,000 militia, giving the

[1] Since this was written, President Roosevelt, December, 1904, has defined an American eclectic ideal in his message: "Good Americanism is a matter of heart, of conscience, of lofty aspiration, of sound common sense, but not of birthplace or creed."

[2] "After a protracted searching and animated discussion, extending through nearly the whole of the short session of the Thirty-seventh Congress, the enrollment act was passed, and became a law by which the government of the United States appealed directly to the nation to create large armies without the intervention of the several States." — *O. R.*, Series III, vol. v, 611.

States opportunity to fill their old quotas by volunteering until August 15.[1] As has been noted, great efforts were made to escape the draft in the East. Vermont, Massachusetts, and Rhode Island nearly filled their quotas, while New Jersey exceeded by a few. New York furnished few men, and the West substantially none. August 9, the order for enrollment and draft was issued.[2] Applications were made from many States for postponement. Orders were issued to all the governors, August 27, that the department could not postpone generally, but would "leave the responsibility of any delay with those who make it."[3] New York, as well as others, proceeded rapidly with the enrollment, according to the circumstances of each; and all the governors sharpened their pencils to figure closely populations, quotas, deficits, etc. Morton expressed the feeling of all: —

> As long as volunteers were called for, we were unwilling to consider quotas, and desired no limit but our capacity to furnish men; but the idea of drafting is offensive to our people, and should not be extended so as to require us to furnish more than our proportion of the whole number called for under the several calls. It is not the fault of our people that the old regiments are not full. Every regiment is full that has had recruiting officers here for the past three weeks.[4]

And he said, August 31, "We not only desire, but will insist, on furnishing our full quota."[5] Governor Curtin reported[6] a large number of volunteer substitutes to avoid draft in their locality. He was obliged to hasten the department in its musters to "relieve us

[1] *O. R.*, Series III, vol. ii, 291. [2] *Ibid.*, p. 333. [3] *Ibid.*, p. 471.
[4] *Ibid.*, p. 485. [5] *Ibid.*, p. 495. [6] *Ibid.*, p. 596.

from much trouble and dissatisfaction. We must treat the draft delicately in this State." [1] He was none too careful, for resistance by force in several districts was reported October 22.[2] But the serious troubles from resistance did not come until the following summer.[3]

The actual business of the enrollment and draft was begun anew after the Act, March 3, 1863. Colonel James B. Fry, Asst. Ad. G. U. S. A., a most able and impartial officer, was detailed as Provost-Marshal-General of the United States.[4] He asked the coöperation of various officials in the States, especially Governor Curtin and Mayor Opdyke of New York city.[5] He suggested a definite course of action, especially for making up deficiencies under the various calls of the President for troops, before making a "regular" draft. May 2, he reported a full balance-sheet showing the excess and deficiencies of the several States in filling quotas.[6] This

[1] *O. R.*, Series III, vol. ii, 651.

[2] *Ibid.*, p. 679, and Series I, vol. xix, pt. ii, p. 468. Governor Curtin called on General Wool at Baltimore, September 3, for assistance in enforcing enrollment. The general reported that with other troubles to the War Department in a captious manner: "If a State cannot enforce its own laws without U. S. soldiers, we may as well give up at once. The odium ought not to be thrown on the U. S. troops; there is no necessity for so doing." — *Ibid.*, p. 509. Quite like an old-fashioned "regular."

[3] In his report, December 1, the Secretary of War said: "A chief hope of those who set the rebellion on foot was for aid and comfort from disloyal sympathizers in the Northern States, whose efforts were relied upon to divide and distract the people of the North, and prevent them from putting forth their whole strength to preserve the national existence. The call for volunteers and a draft of the militia afforded an occasion for disloyal persons to accomplish their evil purpose by discouraging enlistments and encouraging opposition to the war and the draft of soldiers to carry it on." — *Ibid.*, p. 903.

[4] *Ibid.*, vol. iii, 74.

[5] *Ibid.*, pp. 166, 169.

[6] *Ibid.*, pp. 180, 185.

is a very curious statement of the results of the great popular demonstrations of 1861–62. The localities of these figures should be mentioned with bated breath, for many circumstances affected the operations, which were at last condensed into columns of figures. Illinois was far ahead of all her sisters, with an excess of 40,000 men. New York had a small surplus, and little Rhode Island exceeded according to her population. As indicated above, we should not inquire too curiously why Massachusetts and Vermont were in arrears.

Governor Seymour had been in office in New York since January, and he was asked by Secretary Stanton, May 20, to "visit him in Washington for conference." He postponed acceptance, as he was "organizing a vigorous system of recruiting, which I hope will do away with the necessity of making any draft in New York."[1]

Law seems to be fated in its nature to excite violence, and a very few criminals can convulse a whole community of good citizens. June 11, two of the officers employed in making the enrollment in Indiana were murdered by only two men ambushed in a wheat field. The enrollment proceeded quietly in the "subdistrict in which the murder was committed, the people affording every facility in their power to insure its speedy completion."[2] There were many cases of resistance in Pennsylvania, even taking the "shape of intimidation by secret incendiarism and attempted assassination."[3] In almost all the districts of Pennsylvania the enrollment proceeded "slowly and regularly." In one district

[1] *O. R.*, Series III, vol. iii, 214. [2] *Ibid.*, pp. 340, 347.
[3] *Ibid.*, pp. 350–353.

"the people are defiant — so much so as to frighten any who feel disposed to undertake it. . . . They are part of an organized society in the county to resist the conscript act." [1]

In Indiana the outrages ending in the murders of Rush County were not as severely rebuked by the Democrats as was hoped for. "The Democratic gentlemen fear their own party friends, and, I think, are apprehensive that obedience to law is a doctrine to preach which might impair their party standing. The nomination of Vallandigham in Ohio has, I think, increased their doubts." [2] Men drafted and failing to appear were treated as deserters. Writs of *habeas corpus*, claiming these culprits on various grounds, were applied for in New York State.[3]

June 18, another murder was committed in Sullivan County, Indiana. General Burnside of the Department of Ohio advised the proclamation of martial law in that county. Hon. Daniel Voorhees, representing the seventh district in Congress, "professes to greatly desire to avoid the effusion of blood, and pledged himself to go immediately to Sullivan County. . . . If he keeps his promise, I have no doubt the enrollment will be made without resistance." [4] Hon. Schulyer Colfax, a distinguished Republican, was likewise asked to stimulate the "efficiency" of enrollment in his district. In Sullivan County a resistance was organized that the "enrollment should not take place." They were drilling and claimed "2000 already armed and as many more in Illinois, who will come to their assistance when neces-

[1] *O. R.*, Series III, vol. iii, 357.
[2] *Ibid.*, p. 354.
[3] *Ibid.*, pp. 378–380.
[4] *Ibid.*, pp. 391–394.

sary." Governor Morton was absent from home when matters threatened most. Marshal Baker reported, June 22, that the enrollment would be completed without "serious conflict," [1] though he thought careful preparation should be made against resistance when the actual draft should take place. The draft was ordered July 7, 1863.[2] Any person drafted could furnish a substitute, or could pay the government three hundred dollars to be freed from the draft. Colonel Fry divided the loyal States into districts, and appointed assistant provost-marshals, who were selected with great care in concert with the governors of States.[3]

In Massachusetts there was no difficulty in the enrollment. When the draft was ordered, Governor Andrew took every precaution to prevent disturbance in the cities. The only serious disturbance was in Boston, July 14.[4] An immense throng of rioters stoned the armory in Cooper Street, and tried to force an entrance. The troops fired, and several rioters were killed, which virtually scattered the mob. The police were very efficient, and in a few days the military were relieved from service, as quiet prevailed.

If we would comprehend the force of incidents in the prosecution of the draft, and the causes of the riots consequent in New York city, we must study the characteristics of Horatio Seymour, governor of the State. In the era of good feeling it became sometimes the

[1] *O. R.*, Series III, vol. iii, 397.

[2] *Ibid.*, p. 467.

[3] "The law made it the duty of the bureau to take, but did not make it the duty of any one to give the names of those liable to draft. Every imaginable artifice was adopted to deceive and defeat the enrolling officers. Open violence was sometimes met with." — *Ibid.*, vol. v, 618.

[4] Schouler, *Mass.*, p. 479.

fashion to treat him as "a patriot," misguided but true in his affections and in his desire to sacrifice himself in his country's interest as he conceived it. This is an absolute contradiction. I have been particular in describing the incidents which occurred in other States. These affairs showed that the troubles incident to the draft, or to any strong measure of government, could be met, and were met, by a firm exercise of governing powers in the action of those responsible for good order.

If we take the plain statements of Governor Seymour's message on entering office, January 7, 1863, we perceive a new kind of political animal, hardly conceived of by Aristotle. He imagined himself to be not a mere citizen of the United States, but a kind of subordinate sovereign — governor of New York State — bound to work out a policy differing from the then policy of the Union, or from any policy possible for the government of the Union, constituted as it was and must be for years to come. I claim that this was the most superhuman scold ever uttered, but as proper political evolution it was inconceivable. Davis and Stephens, with the governor of South Carolina, — under the curious categories of Calhoun, — had found a way to enforce their ideas of governing the United States at the cannon's mouth. In their case the great arbiter of politics — force — was trying out the issues of government. But there was no such issue possible for the peaceful Seymour. In his conception, New York, a constituent State of the loyal Union, — participating in its legislation, — should undertake to maintain by its own dixit that the federal laws were unconstitutional. A draft must not be executed, because the governor of a partic-

ular State considered that the laws authorizing such draft were unconstitutional. This is not a mere theoretical view of a pragmatical situation. The people is our main theme in this connection, and the people must have chieftains and champions. The color of the one suffuses the other in this real situation.

Governor Seymour considered that a dissolution of the Union was inevitable, and in the interests of peace it should be forwarded by him through the exercise of the constitutional rights of the State of New York. In his first message he begins, the constitutions of the United States and of New York are "equally sacred." Each is "to be upheld[1] in its respective jurisdiction."[2] He urges "the inequality and injustice"[3] of the laws under which a draft was proposed. He states that the causes of the war were in a "pervading disregard of the obligations of laws and constitutions . . . above all in the local prejudices, which have grown up in the Atlantic States, the two extremes of our country. . . . We shall weaken the rebellion; we shall unite our people; and the world will recognize our capacity for self-government, when we show that we are capable of self-reform."[4] Then follow glittering generalities against all evils of government, with the maxim, it is

[1] Robert E. Lee said before the Committee of Congress on Reconstruction, February 17, 1866: The advocates of secession considered "the act of the State (in seceding) as legitimate, that they were merely using the reserved right, which they had a right to do." — Boutwell, *Sixty Years in Public Affairs*, vol. ii, 83. This view of Lee and his associates corresponded with Seymour's. This "reserved right" in the local State was what Seymour was trying to bring out in New York.

[2] Message, p. 1. Original N. Y. Archives.

[3] *Ibid.*, p. 11.

[4] *Ibid.*, pp. 15, 16.

"worse that a government should be overturned by corruption than by violence."[1] We "must restore the Union as it was before the war."[2] There are vague adjustments of political and other interests in case of "division of our Union into two or more confederacies."[3] In these are threats against New England and the smaller States. Yet his conception of what a future Union — a whole or the dissolved parts — was to be is as uncertain as his executive course in maintaining law proved itself to be. "Let no one think that the people, who have refused to yield this Union to rebellion at the South, will permit its restoration to be prevented by fanaticism at the North."[4] In this particular line of his arguments the Union seemed to be a kind of sentimental fetish, like liberty or any abstract conception. All practicable measures for restoration of the Union — except by subjection of the armed Confederacy — were repudiated virtually by one or another of the governor's arguments.

We will now examine several reports from districts in the State, which manifest the feeling among the people, whose elected chief set forth his personal convictions and official position in the manner related. These reports are dated a day or two after the riots in New York city and elsewhere, but they should be entertained now, in order that we may comprehend the actual situation of the people of the State, in so far as the elective majority represented them. From Albany Assistant Provost-Marshal-General Townsend says: —

> The government of this State is in the hands of individuals whose party has not manifested at all times a coöperative

[1] Message, p. 19.
[2] *Ibid.*, p. 32.
[3] *Ibid.*, pp. 37–39.
[4] *Ibid.*, p. 42.

interest in the measures of the administration. . . . The draft of course has furnished to the leaders the pretext of a potent opposition to the general government. It is sufficiently apparent throughout the whole of this division that this opposition is deeply seated among the great mass of the people, whose recklessness of consequences is wholly unaccountable, excepting upon the suspicion that it rests upon the security of numbers.[1]

He states that the local militia is not to be relied upon, and that the draft cannot be enforced without "a sufficiency of reliable troops." Marshal Richardson reports from Utica "a very large portion of the population, composed of the working and lower classes, including of course nearly all of the Irish and German element, are aroused to a dangerous degree in opposition to the conscription law. It is not to be doubted that there are many men in the district in the higher walks of life who secretly aid and abet the ignorant and designing persons who are combined against the laws."[2]

There was "desperate and powerful organization," the local militia could not be depended upon, and 500 troops would be needed to enforce the draft.

The actual draft began, July 7, in Rhode Island, and on the 8th in Massachusetts, proceeding without serious resistance in most districts throughout the country. July 13, the riots in New York city began and lasted for four days. The results are well known :[3] a loss of 1000 in killed and wounded, mostly of the mob, and damage

[1] *O. R.*, Series III, vol. iii, p. 516. [2] *Ibid.*, p. 528.

[3] "His (Seymour's) terror and his sympathy with the mob in conflict with his convictions of public duty completely unmanned him." He begged of his "friends:" "Wait till the adjutant-general returns from Washington, and 'you shall be satisfied.'" — Nicolay and Hay, vol. vii, 22. James T. Brady, a prominent Democrat, wrote Secretary Stanton,

to private property roughly estimated at $1,500,000.[1] These troubles only caused temporary interruption to the draft. It went forward throughout the country, and while it brought into the armies comparatively few recruits, it powerfully stimulated enlistments.[2] The States assisted these by bounties, and considerable money accrued to the general treasury, in payment for substitutes.

If any think that the provost-marshals cited, and the present writer, failed or fail to construe aright the true situation in the State of New York, let them look into the statement of a competent observer on the spot and to the manner born. John Jay, July 18, said to Secretary Stanton: —

> The restoration of order in the city is about being accomplished by the aid of Governor Seymour, Judge McCunn, and Archbishop Hughes, and with the approval of the leaders of the rebels in New York. The riot had unexpectedly assumed a character which they could not safely indorse, and they propose to stop it as quickly as possible. . . . The existing riots were not contemplated (in a secret organization) in the shape they took, and have interfered with the original plan. . . . This (the plan) is the last great card of the rebellion, and demands careful play on the part of the government, so that, without any surrender of the rights and dignity of the administration, the proposed collision shall be rendered impossible. The rebels in this city have from the first been entirely con-

condemning the governor's use of "friends." He thought the riot was the result of premature development of schemes to resist the draft. — Gorham, *Stanton*, vol. ii, 108.

[1] Cf. Rhodes, vol. iv, 321–330, a spirited account of the riots in New York and their suppression. I differ from Mr. Rhodes absolutely in his estimate of Seymour and the bearing of his executive acts.

[2] Nicolay and Hay, vol. vii, 7.

fident of their final success. I was told a year ago by one of the most wealthy and fashionable bankers of New York that this administration would not be allowed to complete its term; that it would be overthrown by an armed revolt in this city, and when I asked, "When and how will this be done?" he said sadly and solemnly: "I do not know when it will be done, nor how it will be done, but that it will be done I am as certain as that I stand here." This man has been assisting Governor Seymour to suppress these riots. . . . The Copperheads (not counted as in the above "rebel" element) count on the remarkable reverence of the American people for the decisions of our courts as insuring them an immense support from all classes, in case the President should refuse to delay the enforcement of the draft until the new and disputed points were decided.[1]

Mr. Jay recommended temporizing and postponing further enforcement of the draft until decisions of the courts could be had maintaining its integrity. Meanwhile events could not wait for an entire stoppage of executive action to wait for judicial action. A citizen, E. F. Bullard, reported from Saratoga Springs to Hon. Henry Wilson, July 21: "There is more difficulty about the draft in this State than the authorities at Washington suspect. Our state militia is mainly officered by open secessionists recently appointed by the governor. They will lead the mob in these counties. . . . I write this at the request of our leading men in the State."[2] The communication was indorsed by two provost-marshals.

General Dix had been summoned and placed in command of the Department of the East. July 30, he asked of Governor Seymour direct military assistance: —

[1] *O. R.*, Series III, vol. iii, 540–542.

[2] *Ibid.*, p. 553.

I am very anxious that there should be perfect harmony of action between the federal government and that of the State of New York, and if, under your authority to see the laws faithfully executed, I can feel assured that the act referred to will be enforced, I need not ask the War Department to put at my disposal troops in the service of the United States.[1]

Meanwhile Horatio Seymour had been going through almost every phase of hesitation, infirm purpose, and erratic will, possible to man. Called suddenly from Long Branch, he addressed the mob from the steps of the City Hall in a speech which his friends have never been able to explain, nor his critics to understand. He truckled to "my friends," the mob, and yet he issued on the same day proper proclamations, sustaining the cause of order. Many years after these events, Marshal Fry collected the evidence, and calmly set forth the whole story of the governor's action in the riots, which has not been contradicted, and which merits attention. He cites Governor Seymour's statement to a correspondent of the "New York Herald"[2] that "the riot was caused not only by an unjust enrollment, but by the way the draft was made." And it was begun without notice to General Wool (then commanding the Department of the East), Mayor Opdyke, or the governor of the State. These statements are rebutted[3] by the notices sent to Governor Seymour, July 6, 10, 13. Moreover, it was common report that the draft began in Rhode Island and Massachusetts, July 7, 8. The "Herald" and "Times" said the provost-marshals "threw pru-

[1] *O. R.*, Series III, vol. iii, 592.

[2] Fry, *New York and the Conscription*, p. 2, and cf. Nicolay and Hay, vol. vii, 14.

[3] *Ibid.*, p. 23.

dence, propriety, and common sense to the winds."[1] The draft was conducted in New York and Brooklyn by Colonel Robert Nugent, an Irishman and war Democrat. Nor was there any good ground that the nature of the enrollment had any influence in producing the riot. "No complaint of the enrollment was received by the War Department from Governor Seymour or any one else until the riots had occurred."[2] The excuse was an afterthought.

It is true that the draft was a Republican measure in the main, as all positive legislative measures were, but it was in no sense a partisan movement. President Lincoln, in a letter to Count A. de Gasparin, said: "It seems strange even to me, but it is true that the government is now pressed to this course (a draft) by a popular demand."[3] Senators Richardson and McDougal, Democrats, both favored a draft, the latter regretting that "when this war was first organized the conscription rule did not obtain."

Governor Seymour, on the other hand, was of those "who were against the wisdom of forcing men into the army, if not against the right of the government to so do."[4] Marshal Fry cites letters from Dix, Diven, and Canby, officers in the army, to show that the governor's hostility "was to the measure itself rather than to the manner of its execution."[5] The testimony of an eyewitness, Provost-Marshal Townsend, August 1, should be considered here: —

[1] The situation in New York was carefully weighed in advance by the President and the War Department. "The conclusions were that no exception in the application of the law should be made in New York." — Fry, *New York and the Conscription*, p. 30.

[2] *Ibid.*, p. 32. [3] *Ibid.*, p. 10. [4] *Ibid.*, p. 33. [5] *Ibid.*, p. 35.

I have not, nor have I had, the slightest confidence in the state authorities in regard to the question of draft. I say this unofficially as a citizen, because I have no other evidence to base my feeling of distrust than what is patent to everybody in this State, and I suppose equally so at Washington, and also because I know Governor Seymour personally. . . . He and Fernando Wood are identical in sentiment, both sufficiently daring to attempt anything, but when the moment for action arrives, too cowardly to direct and execute.[1]

Fry states positively that the only guarantee to be obtained from Governor Seymour was that there should be "no infractions of the *laws of the State*." He was asked whether he would "aid in enforcing a law of the United States. He gave no assurance on that point." [2]

The governor authorized the statement by the "New York Times" in 1879: "The draft riots of 1863 were put down mainly by the boldness and skill of the police department." [3]

The efforts do not appear to have been directed toward any improvement of matters at home. They tended toward the greatest pressure on the President to suspend the draft entirely until New York could make up her quotas through voluntary enlistment. It was necessary to bring out the foregoing facts — underlying the social and political conditions of New York State — before we should entertain the important documents to follow. August 1, the governor wired the President for delay in drafting, until he could send forward his appeal. The President asked how long. The remonstrance and appeal was dated August 3, though

[1] *O. R.*, Series III, vol. iii, 608.
[2] Fry, *New York and the Conscription*, p. 43.
[3] *Ibid.*, p. 68.

the President did not receive it until the 6th.[1] It is a very long and labored plea to put the administration in the wrong and to apologize for the riot, while claiming credit to the State for quelling disorder without help from without. If the community could so readily quell the trouble, we may ask why it was not guided in the right direction to prevent it in the beginning: —

> It gives a gratifying assurance of the ability of the greatest city of our continent to maintain order in its midst, under circumstances so disadvantageous, against an uprising so unexpected, and having its origin in questions deeply exciting to the minds of the great masses of its population.[2]

He directly charges unfair and gross mismanagement: —

> The provost-marshal commenced the draft without consulting with the authorities of the State or of the city. . . . Disregard for law and the disrespect for judicial tribunals produced their natural results of robbery and arson, accompanied by murderous outrages upon a helpless race; and for a time the very existence of the commercial metropolis of our country was threatened.[3]

To make the supposed constitutional aberrations of Congress[4] and the misconduct of provost-marshals directly responsible for the murder of the poor negroes was a flight of fancy worthy of Seymour. Yet to obtain ground for such a grave charge, facts should be essen-

[1] *O. R.*, Series III, vol. iii, 666. [2] *Ibid.*, p. 613. [3] *Ibid.*, p. 613.

[4] Mr. Lincoln prepared, though he did not publish, an elaborate argument for the draft and the measures enforcing it. It was directed especially toward conscientious loyal Democrats. The manuscript says: "They tell us the law is unconstitutional. It is the first instance, I believe, in which the power of Congress to do a thing has been questioned in a case where the power is given by the Constitution in express terms." — Nicolay and Hay, vol. vii, 51.

tial even to a romancer. In another connection the governor says: "I do not doubt the impartiality of Colonel Fry."[1] The whole charge is groundless and is disproven absolutely by Colonel Fry, as we have noted.[2] The idea that the germ of discord in the brain of the mob originated in unfair treatment was an excusing afterthought and not a true discovery.

He asks that the draft "be suspended in New York," bringing out vaguely, and with much circumlocution, that the citizen is mainly affected by the fact that "the guilt of the rebellion consists in raising an armed band against constitutional or legal obligations."[3] That the citizen believes the draft to be unconstitutional and in some way must be "protected" against this breach of the constitution. And we must bear in mind that much of this special pleading of Seymour bears against the inevitable burdens of government, administered however it may be. All of this is to force the administration to abandon its executive functions, while its armies are battling in the field, and to submit the draft laws to the courts for adjudication:[4] —

> The refusal of governments to give protection excites citizens to disobedience. The successful execution of the conscription act depends upon the settlement by judicial tribunals of its constitutionality.[5] With such decisions in its favor, it

[1] *O. R.*, Series III, vol. iii, 615.

[2] *Ante*, p. 292.

[3] *O. R.*, Series III, vol. iii, 617.

[4] Secretary Stanton wrote Seymour that he had always intended to submit the conscription law to judicial interpretation, whenever a "case" could be properly brought. Meanwhile "the executive is bound in its ministerial measures to assume the law to be constitutional." — Gorham, *Stanton*, vol. ii, 109.

[5] Two decisions in the U. S. Circuit Court in Pennsylvania and Illinois

will have a hold upon the public respect and deference which it now lacks. A refusal to submit it to this test will be regarded as evidence that it wants legality and binding force.[1]

He concludes with an admirable, general statement — sufficient in administrative force, if all citizens were Seymours. Unfortunately, the Bismarck element — involving "blood and iron" — cannot be neglected in time of war. "It will be but a little price to pay for the peace of the public mind; it will abate nothing from the dignity, nothing from the sovereignty, of the nation to show a just regard for the majesty of the laws and a paternal interest in the wishes and welfare of our citizens."[2]

Mr. Lincoln, a wise contestant, avoiding all metaphysic or eloquent expression, August 7, one day after receiving the appeal, answers it and goes to the root of the matter: —

I cannot consent to suspend the draft in New York, as you request, because, among other reasons, time is too important. By the figures you send, which I presume are correct, the twelve districts represented fall into two classes of 8 and 4 respectively. The disparity of the quotas for the draft in these two classes is certainly very striking, being the difference of 2200 in one class and 4864 in the other. . . . I shall direct the draft to proceed in all the districts, drawing, however, at first, from each of the four districts, to wit, the second, fourth, sixth, and eighth only 2200, being the average quota of the other class. After this drawing, these four districts, and also the seventeenth and twenty-ninth, shall be carefully reënrolled, and, if you please, agents of yours may witness every step of the process. . . . I do not object to

finally affirmed the constitutionality of the law. An adverse decision in Pennsylvania was reversed afterward. — Nicolay and Hay, vol. vii, 13.

[1] *O. R.*, Series III, vol. iii, 617. [2] *Ibid.*, p. 619.

abide a decision of the United States Supreme Court on the constitutionality of the draft law. In fact, I should be willing to facilitate the obtaining of it, but I cannot consent to lose the time while it is being obtained. We are contending with an enemy, who, as I understand, drives every able-bodied man he can reach into his ranks, very much as a butcher drives bullocks into a slaughter pen. No time is wasted; no argument is used. This produces an army which will soon turn upon our now victorious soldiers already in the field, if they are not sustained by recruits as they should be. It produces an army with a rapidity not to be matched on our side, if we first waste time to reëxperiment with the volunteer system already deemed by Congress, and palpably in fact, so far exhausted as to be inadequate; and then more time to obtain a court decision as to whether a law is constitutional which requires a part of those not now in the service to go to the aid of those who are already in it; and still more to determine with absolute certainty that we get those who are not to go. My purpose is to be in my action just and constitutional, and yet practical, in performing the important duty with which I am charged — of maintaining the unity and free principles of our country.[1]

Governor Seymour did not know when he was beaten.[2] Incapable of comprehension and conviction, he continued to declaim against "dishonest perversion of the law." His position was on shifting sands, and must be overwhelmed inevitably in the patriotic currents of popular feeling, even though he represented for the moment the selfish portion of the community ready to avoid military service by any expedient. If a tithe of Seymour's assertions had been true, the elections of the

[1] *O. R.*, Series III, vol. iii, 635. August 11, the President reviewed and rebutted the technical arguments of Judge-Advocate-General Waterbury which complained of the enrollment. — *Ibid.*, p. 666.

[2] *Ibid.*, pp. 636, 639.

autumn would have shown it. But there was no further substantial resistance to the draft. Had there been such actual trespass on the rights of the American citizen as Governor Seymour and the lawyers of his kind deliberately charged, there would have occurred a sub-rebellion more ominous than the Southern revolt.

Abraham Lincoln often manœuvred as a politician for particular ends; but he always held in mind the great principles underlying the state, and they ever carried him in unerring course to the successful lead of the people. This business of compelling the people against prepossession in a new political direction through a draft is a complete illustration of the greatness of the man and the president. It was a very difficult situation everywhere; the difficulties culminated in the great State of New York. The State was under semi-hostile control and the friends of the Union advised compromise. Mr. Jay and his Republican neighbors had good reason for dreading the veiled secession-element in their State, and they naturally recommended some concession to obtain an advantage over these half-alien citizens. But Abraham Lincoln knew better. He best comprehended the great governmental issues of the occasion as they underlay the life of the State, while he guided the people to a victorious solution of the immediate embarrassment. He prostrated the governor, and overthrew the little argument brought forward — in apology for half-hearted support of the administration — by his masterly conduct of detail in this controversy. He carefully separated the practical "disparity" actually incurred through mistakes in the New York enroll-

ment. The districts which had suffered were strictly discriminated and "protected" from the consequence of errors which had passed.

Seymour, Fernando Wood, the "fashionable banker" of Jay, and their kind, must have gnashed teeth in rage, as their covert assaults on the necessary administration of the Union missed effect. It was the grave fault of these men, and not a mere misfortune, that they utterly failed to comprehend Lincoln, thinking him a "weak though well-meaning man."[1] It was not the business of a citizen of New York — much less of the governor of the State — to make critical estimate of the President of the United States. Their duty was simple; their course ought to have been to pay their taxes and to serve in the army for subduing the rebellion and sustaining the Union. Whether Lincoln was grotesque or elegant was not germane to the question. Like all statesmen and popular leaders who neglect the main point and follow side-issues, they wasted strength, lost touch with the popular movement, and almost unconsciously found themselves across the main current, and contending against the abounding convictions of the American people. The representative of the West, the newly developed citizen of a Democratic Republic, distinguished himself throughout this controversy, and stood forth in magnificent contrast with the faltering Democrats — following their partisan name — of this great Eastern and Middle State.

The near and surest view and the best judgment of the governor was in his own community, and among neighbors forced to operate with him under their re-

[1] Rhodes, vol. iv, 332.

sponsibility to the federal government.[1] General Dix represented the administration, and was obliged to call on the governor of the State to discharge his duty after the President's announcement. August 8, he arraigned the governor in severe but necessary terms: —

Whatever defects the act authorizing the enrollment and draft may have, it is the law of the land, framed in good faith by the representatives of the people, and it must be presumed to be consistent with the provisions of the Constitution until pronounced in conflict with them by competent judicial tribunals. Those, therefore, who array themselves against it are obnoxious to far severer censure than the ambitious or misguided men who are striving to subvert the government, for the latter are acting by color of sanction under legislatures and conventions of the people in the States they represent. Among us, resistance to the law by those who claim and enjoy the protection of the government has no semblance of justification, and becomes the blackest of political crimes. . . . That the military power of the State will, in case of need, be employed to enforce the draft. I desire to receive the assurance because, under a mixed system of government like ours, it is best that resistance to the law should be put down by the authority of the State in which it occurs.[2]

[1] Colonel Nugent and Captain Erhardt, provost-marshals, had an interview with Governor Seymour, October 16, 1863. The governor recommended the appointment of four men from each Congressional district in New York to supervise recruiting. "Without hazarding an opinion on the motive of his Excellency, the desire that the government should appoint two Union men, and he two, seemed to indicate too strong a disposition to draw a line between the government, seeking to protect its integrity, and the disloyal." He discussed the whole enrollment and draft. "The conversation, occupying more than three hours, was in substance what I have written, yet long as it was, little was said to justify the belief that discrepancies in the enrollment were the cause of his dissatisfaction, but much that captiousness was the secret of his opposition to the law." — Rhodes, vol. iv, pp. 80–83.

[2] *O. R.*, Series III, vol. iii, 654.

Seymour either knew too much for the office of governor of a State while other States were in rebellion against the federal power, or he did not know enough to perform his simple duty. As Marshal Fry reported,[1] he could not be induced to declare that he would support a federal statute with the military power of the State. August 12, General Dix was obliged to call on the War Department for 5000 more troops. "That there is a widespread disaffection in this city, and that opposition to the draft has been greatly increased by Governor Seymour's letters cannot be doubted."[2] He justly said that, by ample preparation on the part of the federal authorities, those "embittered by party prejudice would be overawed," as the result proved. August 18, Dix[3] wrote the governor a very pungent letter acknowledging one "not found." In this last document it would appear that the governor promised to put down riotous proceedings, etc., "as infractions of the laws of this State" (cited from Governor Seymour). Dix concludes by hoping that the mere presence of the national forces will convince "those who intend to uphold the government, as well as those who are seeking to subvert it," that the federal authority would be firmly maintained.

Whatever reluctant concessions toward the maintenance of order that stalwart official, General Dix, extorted from the governor, he was not convinced of the patriotic love of country so often claimed for the state functionary. September 1, he reported to General Halleck:[4] "The course of Governor Seymour ought to be more

[1] *Ante*, p. 293.
[2] *O. R.*, Series III, vol. iii, 673.
[3] *Ibid.*, p. 690.
[4] *Ibid.*, p. 755.

thoroughly canvassed and exposed than it has been. . . . He was elected on the platform of a 'more vigorous prosecution of the war;' he has practically put himself on the platform 'a vigorous prosecution of peace.'" [1] General Dix not only spoke out of his manly sense of duty, but he represented fully the sentiment of the loyal North. Whatever the Democrats thought they meant, when they canvassed for more vigorous prosecution of the war, all their practical efforts looked toward peace. Meanwhile these backward movements embarrassed the administration in the immediate and absolutely necessary conduct of the war.

The President at no time assumed any petty ascendency over Seymour. Long before these incidents, he had written him a grave and magnanimous letter, asking to be "better acquainted" that they might together maintain the "nation's life and integrity." [2] A year later, Governor Andrew wrote a long letter to Seymour, asking for personal acquaintance, for friendly conference to help "conquer a peace." [3] There was no result, apparently; the record shows none. It was within my knowledge that other eminent Republicans sought ear-

[1] In this report General Dix severely criticises in detail the governor's official acts in raising troops. He then gives this curious bit of history. "When Madison and Monroe proposed a draft, it was attacked by the Federalists in Congress. Among others, Morris S. Miller, of Utica, with whose family Seymour is connected (I think by a double marriage), attacked it as a *conscription*, as unconstitutional, etc., very much as Seymour is doing now. There is this difference — Judge Miller was resisting a legislative proposition in legitimate debate, whereas Seymour is resisting the law of the land." — *O. R.*, Series III, vol. iii, 755.

[2] Nicolay and Hay, vol. vii, 10.

[3] Schouler, *Mass. in the Civil War*, p. 591. According to Lee, Governor Seymour called on Andrew, who said "he seemed very sincere. I think he is carried away by his own subtlety, perhaps." — Morse, *Henry Lee*, p. 237.

nestly to bring the governor into moral accord with the administration.[1] It was not in him, for he was not large enough to contain the noble idea of Union, which permeated and possessed most of the common voters of the Northern States.

Horatio Seymour, though extraordinary and not easily comprehended, was not an anomalous character. He cast many broken lights across a mischievous and disastrous background, which is permanent, and which must be indestructible matter of history. We must sketch the ground and clarify the traits of character exhibited upon it, according to the best knowledge of our own day. He has been charged with "inordinate ambition" by some who ought to have known him well; but there was never a greater error in analyzing character. While he possessed some of the better traits of an ambitious demagogue, he was too much refined, in heredity and essence, to sink to the level of a vulgar populace. And something more kept him from the great ambition which controls heroes, for he had not the fibre of the forcible men of history. When we consider some of his daring acts in attempting to obstruct the necessary course of the national administration, this may appear at first sight to be an uncertain statement. But the notion, more or less prevalent, that audacious daring partakes of and consists in courage, is totally wrong. The words differ essentially, and they differ in meaning. In one derivative language *daur* is "to

[1] Thurlow Weed reported Lincoln as saying that if Seymour would wheel the Democracy into line for suppressing the rebellion, then he would help Seymour to become his successor as president. Nicolay and Hay think Weed exaggerated, but are sure that Lincoln was very anxious to be supported by Seymour. — Nicolay and Hay, vol. vii, 12.

stun," in another *dare* is "a fool." Courage comes out of the heart of heroes, and has no possible variant meaning. We had two marked illustrations of audacious daring in the episodes of the Civil War. The subject of this discussion was one, General Butler of most varied fame was another. On the other hand, the calm courage, coming from the inmost nature of our people, was fully represented in the persons of Abraham Lincoln and Ulysses S. Grant.

As above said, Seymour was not a mere factious agitator. He may not have been so far committed to the secret intrigues of semi-secession Democrats, plotting "to bring about a collision between the national government and the government of the State of New York in such a shape that they can only rely upon the coöperation of Governor Seymour," [1] as Mr. Jay deliberately states. Seymour may not have been so far entangled as these words indicate; but it is certain that he was seriously affected by these meteoric influences. We cannot award him judgment, but we must consider that his intellect was duly perceptive. There was some reason for his discordant acts as governor from day to day. The cause was not in his own creative reason, but in the errant, disturbing forces of a powerful social faction, which sent his wits wool-gathering, instead of into the calm, considered action of a statesman.

Not a demagogue, he was too much respected and respectable, too much fettered by morbid conscience, to become inflamed by the passions of that sort of creature. Rather, he was moved by sentiment, when he ought to have been anchored by solid thought. His

[1] *O. R.*, Series III, vol. iii, 541.

imagination worked rapidly toward changing the impending order of things, the necessary, hard evolution of political circumstance; this inevitable course he sought to alter by some fancied amendment, he knew not what. The maundering complaint,[1] when he sums his case against the President, after decision had been rendered and the die had fallen, illustrates this mental condition.

This morbid tendency — this respectability, not mediocre but endowed with talent — these tendencies may become most dangerous in the crises of great affairs, as we have seen. Such tendencies are more perilous in lawyers than in other classes of men, on account of their great opportunities in our country. A good lawyer cannot be a poet. An active but incomplete poetic faculty, seeking expression in new creations of law, clothed by precedent, can work almost any mischief through the legal misconception. A legal misconception — enforced by party discipline — can work the greatest injury in the development of political practice, if the emergencies of great affairs give it opportunity. A statesman, who thinks after formulas, feels in the old forms, then acts as if creating for the new emergency, as if impelled by the producing power of the present, does infinite harm. He conserves not the old, and he spoils the new.

[1] "However much I may differ from you in my views of the policy of your administration, and although I may, unconsciously to myself, be influenced by party prejudices, I can never forget the honor of my country so far as to spare any effort to stop proceedings under the draft in this State — particularly in the cities of New York and Brooklyn — which I feel will bring disgrace, not only upon your administration, but upon the American name." — *O. R.*, Series III, vol. iii, 636.

General Dix set forth the governor's course as "the blackest of political crimes." [1] These were not the reckless words of a vaporing publicist; they were the manifestation of political deeds, interpreted by a man of action, who knew whereof he spoke. At that moment, Governor Seymour was being hammered into his proper place, forced to do his duty as governor of a State by the immediate presence of the federal troops. The State of New York was not "independent," as he constantly asserted, but it was a constituent part of the American Union.

These plain facts of historic evolution cannot be neglected or condoned, however benevolent the student and critic may be. They must stand out in dark and darker tints, as time goes on, and as the perilous achievements in these periods of revolution become more valuable. Lee, Jackson, Gordon, and the like, were misguided heroes, following a mistaken course. As time passes, as the historical perspective changes, — the lesser details growing dim, as in the Wars of the Roses or the struggles of Cromwell, — the Muse will award increasing fame to these men who might have been the paladins of any time. But their political mistakes were founded on deep principles, inherited from the generation educated by Calhoun. Whatever their constitutional basis, revolution, "blood and iron," might have established these principles as the basis of a new state. No such issue can be possible for Seymour, Hendricks, Vallandigham, and the like. Fame will worship the much enduring heroes of the Confederacy. The reverse of fame must cling to those dawdling Northern Democrats who

[1] *Ante*, p. 300.

vainly tried to build a new party out of their country's agony, and to cement it with the blood of their fellowmen. It does not palliate that they knew not what they were doing. It was their business to know, through and through, what must be the effect of their political action while their brothers were sacrificing life in battle.

The doing of the contestants in war, the deeds which establish the fame and preserve the memory of the brave and self-sacrificing, must not be confounded with deeds which hampered and obstructed the necessary progress of that war. Homer portrayed the craft of Ulysses, the wisdom of Nestor, as hardly inferior to the glory of Achilles. The sage advisers in turn bore the shock of battle, shoulder to shoulder with Achilles. The councilors were not ensconced safely at home; yet less were they hindering and impeding heroes in action.

Seymour and his party in New York were not alone or peculiar in misconstruing the political situation at this time. A strange hallucination — a historic problem of problems — possessed the "Constitutional Democrats," as they fondly called themselves. At their convention in Massachusetts, September 3, 1863, they said, "We most earnestly desire peace."[1] Where else can we find such a phantasm, possessing men of the homely sagacity evinced by the average American politician?

[1] Judge Abbott said: "I mean to be true to the Union by, through, under the constitution — nothing more nor less." Dr. George B. Loring said: "We are still free, sovereign, and independent States under the constitution. Do they ask, are we Peace or War Democrats? Tell them we are Constitutional Democrats. This administration (of the U. S.) will pass away as the idle wind." Abbott and Loring, both candidates for governor, lost the convention and Paine, an old Whig, whose democracy was not so pronounced, was nominated. — Schouler, *Mass. in the Civil War*, pp. 498–500.

Apparently, after myriads had been slaughtered in the field, and the miseries of such war had been endured at home, these maudlin state-makers conceived that the whole disunited States might return to the Union-saving, peace-making methods of 1860. What a dog, and what a vomit! The new evolution of a Democrat, who should be neither war nor peace, but a "constitutional," had formed a most fantastic image in their fevered brain.

In Indiana there was some violence, but in no degree approaching the troubles of New York city. Several lives were lost. The executive was loyal, but the legislature was entirely controlled by the Peace Democracy. The Emancipation Proclamation was denounced, and a Northwestern republic was bruited. The legislature claimed to reject Governor Morton's message, and a member offered a resolution, which was not passed, that they adopt the "exalted and patriotic sentiments"[1] of Governor Seymour's message in New York. When we consider the divided government in Indiana, and the jarring elements working beneath the surface, the escape from extended riot and bloodshed is remarkable. August 20, Marshal Baker reported, "The disloyal element under the name of Democracy are holding large mass-meetings in different parts of the State, at which the people are urged to arm and drill, which they are doing in many places in large numbers."[2] The secret

[1] Foulke, *Morton*, vol. i, pp. 213, 217.

[2] *O. R.*, Series III, vol. iii, 697. He inclosed a bill for an "Old-fashioned Barbecue." "The watchword given on the bill is, I am assured, the watchword of the Knights of the Golden Circle." The bill reads, "This is a time for mutual understanding and concerted action on the part of the friends of the constitution and the white man's liberty. The watchword of the day will be 'United we stand in defiance of tyrants.'"

organizations, of which we shall hear more, put forth their new shibboleth, "United we stand in defiance of tyrants." The general condition of the Northwest brought out a noble letter from Abraham Lincoln, which we have cited heretofore.[1] We cannot give it too much attention, for it is a complete epitome of the argument from facts in the most persuasive form, a thorough and logical exposition of the cause of the Union. It was in answer to an invitation to a meeting of unconditional Union men at Springfield, Ill.: —

> Of all those who maintain unconditional devotion to the Union, and I am sure my old political friends will thank me for tendering, as I do, the nation's gratitude to those other noble men, whom no partisan malice, or partisan hope, can make false to the nation's life. . . . Let us not be over sanguine of a speedy final triumph. Let us be quite sober. Let us diligently apply the means, never doubting that a just God, in His own good time, will give us the rightful result.[2]

In Pennsylvania the turbulent districts were kept in order by stringent military control. General Couch, commanding the Department of the Susquehanna, gives a lively picture of the attendant difficulties. "The ignorant miners have no fear of God, the state authority, or the devil. The Democratic leaders have not the power of burnt flax over them for good. A strong military power under the general government alone keeps matters quiet."[3] This dilemma was integral and far beyond regulation by political or partisan development. For once, we must not hold the Democratic leaders responsible for the faults of their constituency.

[1] *Ante*, p. 247.
[2] *O. R.*, Series III, vol. iii, pp. 731–734.
[3] *Ibid.*, p. 629.

Quakers were excused from bearing arms; but there was a class of non-conformists — much more troublesome — who used conscience as a cloak for disloyalty. In November, at Pottsville, one Hughes, "who early desired that Pennsylvania should secede and join herself with the South, only at the close of July last declared 'that he did not want to furnish the army with soldiers; he was conscientiously opposed to the war, and would not furnish the means to carry it on.'"[1]

It is more than doubtful whether the charge of secret machination, often made against the rebels, was well grounded; but there was so much plotting in the cities and on the Canadian border, that loyal men suspected a rebel hand wherever plots appeared. Alarming conspiracies were manifest at Mauch Chunk, and were reported to the President.[2]

Generals testified that the men drafted into service acquitted "themselves well and made good soldiers." Secretary Stanton reported, December 5, 1863, "At the time the law was enacted it was known to be very imperfect, many intelligent persons considering its exe-

[1] *O. R.*, Series III, vol. iii, 1006.

[2] "Since the commencement of the draft, a large majority of the coal operatives have been law-defying, opposing the national government in every possible way. The life of no Union man is secure among them, and the murder of such a citizen is almost a nightly occurrence. Our 'civil authorities' here seem to have too much sympathy for these men, and they know it, and are not slow to take advantage of it. They have closed up several large collieries, and threaten that all must suspend work until the national government suspends the operations of the draft against them. . . . This is a part of the rebel programme." — *O. R.*, Series III, vol. iii, 1009. "In Pennsylvania an attempt was made to obstruct the draft by means of a bill in chancery; and an injunction was granted by a majority of the Supreme Court of that State, which, however, was not obeyed." — *Ibid.*, vol. v, 630.

cution wholly impracticable, while few dared to hope for any important benefit. The law has been enforced in twelve States. It has brought from these States 50,000 soldiers, and has raised a fund of over $10,000,000 for procuring substitutes. With all its imperfections it is demonstrated that the act can be made an efficient means for recruiting our armies and calling out the national forces."[1] He expressed the conflicting views, concerning the clause of exemption and the procuring of substitutes; these conflicts have never been reconciled. The business of substitutes immensely stimulated the payment of bounties and "bounty-jumping" thereafter. The consequent abuses can hardly be overstated.

In the winter of 1863–64 the Confederacy gathered its remaining strength for a final struggle. Morton thought the administration did not recognize this sufficiently, and begged it to call for more troops, saying, January 19, "A terrible conscription is putting almost the entire male population of the rebel States in the army."[2] In February, General Dix at New York could perceive that "the leaders of the rebellion are making the most desperate efforts to bring into the field every man capable of bearing arms."[3]

February, 1864, the President ordered a draft, nominally for 500,000 men, which by deductions, etc., actually called out 200,000.[4]

There were secret organizations formed throughout the Northwest, which opposed the draft with all their force. Colonel Baker, March 5,[5] reported their intention "to revolt against the government," and that they

[1] *O. R.*, Series III, vol. iii, 1131. [2] *Ibid.*, vol. iv, 39.
[3] *Ibid.*, p. 121. [4] *Ibid.*, p. 181. [5] *Ibid.*, pp. 162, 163.

would even attempt "the assassination of the governor of this State" (Indiana). There was less open demonstration against the authorities than there was in 1863, but it was "better organized and more determined."

There seemed to be different purposes prevailing west and east of the Alleghanies, according to General Dix.[1] Secret organizations in New York city were suspected by the provost-marshals of planning resistance to the draft. They were watched by detectives, and the general concluded that their purpose was "to promote the election of General McClellan to the office of president."

In conflict with soldiers, blood was shed in Indiana July 20, and Captain Thompson[2] reported large numbers with as many as 200 malcontents riding together at one time, shouting for Vallandigham and Jeff Davis, and threatening "the most terrible consequences to every man connected in any way with the government."

J. Holt, for the Bureau of Military Justice, personally investigated the ramifications of these treasonable associations in the Northwest, and gave, August 5,[3] a graphic account of their doings. "The Sons of Liberty may be regarded as a successor to the Knights of the Golden Circle, with a very large increment of malignity and practical treason." They used every stratagem, getting public appointments to betray official secrets and inculcating "the assassination of United States officers." Eight of these were murdered secretly in two weeks in Missouri. The order existed "alike in the North and in the South," being numerous in Indiana,

[1] *O. R.*, Series III, vol. iv, 483.
[2] *Ibid.*, p. 529.
[3] *Ibid.*, pp. 578, 579.

Illinois, Missouri, Ohio, Kentucky, and New York. The facts he discovered "unveil a conspiracy as atrocious as that of Catiline." Governor Seymour and his friends were not guilty of planning such treachery as the murderers of Missouri practiced. This was proven by General Dix and his police, but it is significant that such foul birds gathered about the political activities of the Democrats.

Major-General Heintzelman, commanding the Northern Department, August 9,[1] advised the arrest of the leaders of these associations in Indiana and Illinois. As late as October 2 there was a rising of 500 men in Indiana[2] to resist the draft, "taking horses, arms, and money from citizens and home guards."

Governor Curtin inquired if ministers of the Gospel could be excused from service when drafted, and Fry answered that they would be detailed for "charitable and benevolent duties."[3] The Protestant Episcopal Church in the diocese of Western New York passed resolutions September 3, and petitioned the President as commander-in-chief, that the clergy when drafted might be assigned "as chaplains, or to duty in hospitals, or in the care of freedmen, or in such clerkships or other special duties," etc.

Among the most curious and suggestive manifestations for government of the people by the people were the outcries for and against the postponement of the draft in various sections. Apparently the differing temperaments of individual citizens came out to influence their views of the situation, and to warp their

[1] *O. R.*, Series III, vol. iv, 1286.
[2] *Ibid.*, p. 752.
[3] *Ibid.*, pp. 682, 688.
[4] *Ibid.*, pp. 692-694.

political diagnosis and judgment of the exigencies of the occasion. A local cloud of hostility would become in their imagination a fearful storm of national wrath, unless their own particular district should be relieved for a few days from the pressure of the national duty.

As often happened, when he participated in domestic affairs, Mr. Seward blundered. He stated at Auburn, September 13, that there would be no draft. This reduced recruiting materially, and the Secretary of War was obliged to inform Generals Grant and Sherman that the "declaration was unauthorized and most unhappy."[1] September 8, the Union League of Illinois begged the President to postpone the draft for thirty days "as a matter of the greatest political importance."[2] On the 27th, the mayor of Philadelphia and Morton McMichael asked Secretary Stanton to postpone for only two weeks.[3]

On the other hand, John A. Kasson, having traveled from Massachusetts to Iowa, urged a prompt levy of the draft. "The country now wants rigid, straightforward, prudent, but decisive leadership."[4] Governor Doolittle of Wisconsin called for enforcement in trumpet-tones. "While pending, all fear it; when over, all who are drafted and go will be cured of their reluctance, and it is the best medicine in the world for sickly patriotism, and has been known to cure even copperheadism."[5] Riley, a special agent sent through Illinois and Indiana by Marshal Fry, advocated prompt execution, October 8.[6] The alert and plucky James G. Blaine

[1] *O. R.*, Series III, vol. iv, 713.
[2] *Ibid.*, p. 701.
[3] *Ibid.*, pp. 746, 747.
[4] *Ibid.*, p. 680.
[5] *Ibid.*, p. 715.
[6] *Ibid.*, p. 757.

struck hard, as might have been expected. "The dreaded draft is now going on all over the country, and I 'm glad of it. Like the old ladies' tea party, 'it will be good to have it over with.' . . . If it goes on in the slow process, it will about ruin us in the October elections of Pennsylvania and Ohio, whereas if the quick process were adopted, we should have fifteen or eighteen unembarrassed days for marshaling our political forces in those States, and would close with a 'blaze of glory and a big victory.'" [1]

Governor Doolittle and Mr. Blaine voiced the loyal consciousness, as it brought itself to the support of the Union, after some three years of wearisome endurance. All were not patriotic; and as Governor Doolittle suggests, the varying grades of patriotism — even to that of the inconsistent Copperhead — were stimulated and renovated by the draft.

The Secretary of War, in discussing the merits of the draft in 1863,[2] did not overrate the reluctance of the whole country in accepting the conscription, for a large majority of citizens at first regarded it as "arbitrary and unjust." [3] Yet after the bureau had extended the enrollment and conscription throughout the country, its officers could say that it brought the administration and people nearer together in prosecuting the war for the Union.[4] It was a severe but necessary process in the education of the people to the support of a well-founded and powerful government. The administration, by direct demand on the resources of the nation, showed the necessity of the occasion; the people responded,

[1] *O. R.*, Series III, vol. iv, 742.
[2] *Ibid.*, vol. iii, 1131.
[3] *Ibid.* vol. v, 723.
[4] *Ibid.*, p. 601.

though at first reluctantly, to the imperative need. There was a certain mutual confidence created, which, though constrained in the beginning, became a natural and proper bond between government and people. The necessary effort of government — compulsory on the representative rulers, when extended to the citizens through the draft — was brought home to each individual, and became his own particular business.

The enrollment showed[1] that besides 1,000,516 men actually in the field, April 30, 1865, there were at home 2,245,063 men. The marvelous fact was revealed that, notwithstanding losses, there were more men properly subject to draft in the loyal States at the close of the rebellion[2] than there were at its beginning. Immigration had repaired the waste, while industrial invention and improvement had largely increased the product of each man at home.

Far different was the condition of the revolted States, as it was shown in the report of their Bureau of Conscription at Richmond, April 30, 1864.[3] Complaining of lack of means, it had used every effort to investigate the whole "society or civil economy" within its reach. The conclusion was that "fresh material for the armies" was no longer to be had. "Necessity demands the invention of devices for keeping in the ranks the men now borne on the rolls." Appeal might be made to the States for volunteers, but conscription from the general population must cease with the year 1864.

On the whole, our draft was a great act of admin-

[1] *O. R.*, Series III, vol. v, 620.
[2] *Ibid.*
[3] *Ibid.*, p. 695.

istration, executed as well as possible,[1] under the practical conditions prevailing at the time. The involuntary recruiting, indirectly compelled by the conscription, and substituted for the first spontaneous efforts of the States, practically reinforced the armies. The great State of New York — badly led and influenced as it was by some recalcitrant citizens — blundered and opposed; but it could not stop the progress of the draft. Nothing is more significant, as revealing the counter currents of opinion and action than some results in loyal Pennsylvania. A majority of the Supreme Court of the State established technical objections, and enjoined against the practical execution of the law.[2] But the citizens would not obey and stop the enforcement of the conscription. The great, legitimate power of the Union was overwhelming in this function as it was in others, and it could not be controlled and thwarted by a petty array of legal quibbles.

A volume might well be devoted to the relations of militia, volunteers, and regular soldiers in the States and in the federal Union. Family and home are the final outcome of a state; but the individual soldier must be the actual representative of these corner-stones of society. China, refined by ancient culture, thought a state could dispense with brutal warfare and rest itself on educated intelligence. Such a state soon had to surrender to men capable of bearing arms. The loyal interaction of its fighting elements made feudal

[1] A committee of the House of Representatives, Messrs. Speed, Delafield, and Foster, investigated the work of Provost-Marshal Fry. They reported that they "find it has been done with fairness." — Nicolay and Hay, vol. vii, 9.

[2] *Ante*, p. 295.

society possible, and every solid state of the time brought a good military organization into being. In the Revolution George the Third, and in the Civil War the Union, discovered that the soldier was the substantial essence of the citizen. In the rebellion the Union, as well as the Confederacy, relied on voluntary military service, before the conscription rallied every citizen to support the government. This inbred reliance on voluntary military service was worked to support the administration at the North, then reversed by antagonistic partisans to oppose the enforcement of a draft.

Many decades passed before our military experience was worked out into a better administration of the army, and especially into a better organization of the citizen soldiery. The Spanish war found us unready, and the century had turned before the skill of regular officers and the personal element in the citizen could coöperate in bringing out the military strength of the particular States. At the beginning of the year 1904, the new army levied by Congress consisted of 107,422 enlisted men and 9120 commissioned officers "exactly like regular troops."[1] Each governor of a State or Territory could procure a regular officer of high rank to advise him in military affairs. This act provided a great and effective reinforcement of the regular army, quite unlike the old-fashioned "militia," except in its high loyalty and selfhood. The United States could call out these troops at any time for a service of four months.

[1] Rene Bache, *Providence Journal*, January 31, 1904.

CHAPTER VIII

GOVERNMENT

IT seemed natural, when affairs began their course at Washington, on the inauguration of Lincoln, to speak of the directing power as prosecuting the business of administration. Events crowded upon the new officials, and they were forced to minister to them as speedily as possible, often without precedent. This sort of designation corresponded to the technical terms established by due authority. Said Hamilton: "The administration of government, in its largest sense, comprehends all the operations of the body politic, . . . but in its most usual, and perhaps its most precise, signification, it is limited to executive details." Of government in the strict use of the term, there was little at the capital in the early days of the rebellion. Affairs of state no sooner came than they went. The President was severely criticised, especially by Mr. Seward out of his fancied omniscience, that he had not a policy of direction and control, during March and early April, when the rebellion was at work, and open revolt was culminating. All that was changed after the attack on Sumter. The rebels took the move, precipitating the game. During the winter season the North, in combination with the border States, had vainly tried to anticipate and avoid this imminent and deadly breach by some sort of concession. Rebellion, the fracture and antithesis of gov-

ernment, assumed control of the affairs of state, especially in the Cotton States. It was perhaps the highest and wisest of Mr. Lincoln's faculties that he was not moved to direct and control too soon. The South had been long protesting against the extra-constitutional use of the powers of Congress — as they conceived it — in placing any limit on the extension of slavery. By disruption, in a moment, they put more power into the legislative and executive functions of the government, more opportunity, than practical statesmen had ever conceived to be possible. The President called for troops; they sprang to arms as eagerly as Roderick Dhu's own henchmen and clansmen. Buchanan's calculating and alien-hearted Secretary of the Treasury had left the finances of the Union in as poor condition as those of a church mouse. But money poured forth freely from every source of supply in the loyal States.

Affairs of state multiplied and complicated. The occasion must be administered, if not in the best way, at least speedily, or the delay would generate another occasion more imperious than the first. The legislature assisted loyally, and a virtual dictatorship was conferred on the plain man of the prairies.

We have set forth the course of events, especially as it involved the interplay of federal and state action. It was unavoidable that, if the rebellion should not be subdued presently, a larger and more efficient government[1] would be evolved out of the circumstances of

[1] According to Lieber, *Political Ethics*, vol. i, 238, the state is the jural or political society, which the whole community constitutes. The government is the instrument through which the political society acts, when it does not act directly.

the rebellion. After the great forces of the States — the individual commonwealths — had been developed and concentrated, so that they merged in the larger federal functions, there must be adequate direction and government, something more than the mere administration of affairs from day to day. As the bounds of the struggle extended, and the great civic foundations of the republic began to be disturbed, a larger policy became inevitable. Then the whole people were brought under direct legislative and executive control by the draft, and the government of the nation was consolidated at Washington. I propose to treat some of the larger questions, which grew out of the issues developed after the second year of the war.

The paramount directing power must always be in the command of the forces of a state. King or consul, the head of a state who did not fully command its armies on land and its navies on the sea would be no better than a headless monarch. In initiating legislation our President has very little direct power, and that is in the form of influence. He can recommend forcibly, but the fountain of law is in Congress. Between the military responsibility and this negative, civic sphere of action, there came in the middle course of the Civil War one of the greatest opportunities of change in the social and political destiny of a state, known to history. The absolute Tsar of all the Russias had not more actual power in freeing the serfs of his empire than Abraham Lincoln exercised when he put forth the Proclamation of Emancipation in the beginning of the year 1863. Strange fate! The rebels had brought about this opportunity; had brought into

their own homes the destruction of their property and the freedom of their slaves, by a process just as inevitable as had induced the coercion of the individual States when they fired on Sumter. Such civic agitators as Greeley considered a State to be invincible, and not to be coerced, in the winter of 1860–61. When Lincoln was inaugurated, hardly any one outside Garrison's scanty band of abolitionists thought that negro slaves could be controlled or freed by the national government. Such generative political force arises from the Jovian element — the omnipotent and irrevocable powers of government — never precisely formulated and never formally withheld from a fully endowed sovereign, since the ideal imagined and sketched in the life of Olympus prevailed among mankind.

This military decree of emancipation was a special instance of personal government based on the extraordinary confidence of the people in the man of their choice, even though he might be separated from them, and withheld from direct cognition at times, by politicians and managers of the machine. As we have noted,[1] generals in the field had attempted to break into this central prerogative, and to cut out with the sword bits of imperial control in their sincere desire to befriend the negro. These incidents are so interesting in the history of actual government that we should consider carefully the case of Major-General Hunter, who had strong political support. May 9, 1862, he issued a general order: "The persons in Georgia, Florida, and South Carolina, heretofore held as slaves, are therefore forever free."[2]

[1] *Ante*, p. 106. [2] *O. R.*, Series III, vol ii, 42.

As soon as the news came, May 19, before official information, the President nullified the proclamation in the most positive terms.[1]

I further make known that whether it be competent for me, as Commander-in-Chief of the Army and Navy, to declare the slaves of any State or States free,[2] and whether at any time, in any case, it shall have become a necessity indispensable to the maintenance of the government to exercise such supposed power, are questions which under my responsibility I reserve to myself, and which I cannot feel justified in leaving to the decision of commanders in the field. These are totally different questions from those of police regulations in the armies and camps."

He then cites the resolution recommended by him to Congress and passed by large majorities in March. This act provided for pecuniary aid to any State which would adopt "a gradual abolishment of slavery." He now makes the most pathetic appeal to all States which hold slaves to "embrace" this offer. "This proposal makes common cause for a common object, casting no reproaches upon any. So much good has not been done by one effort in all past time as in the providence of God it is now your high privilege to do." The great issues of government were never more judiciously handled and pondered, and never expressed in nobler form. It was this masterly conduct of the largest affairs which lifted the politician Lincoln out of the ruts of expediency, brought the statesman into freest

[1] *O. R.*, Series III, vol. ii, 43.

[2] So early as November 15, 1861, George Bancroft suggested to the President that the "war shall effect an increase of free States." Mr. Lincoln replied, "with which I must deal in all due caution and with the best judgment I can bring to it." — Lincoln, *Complete Works*, vol. ii, 90.

communication with the people, and moved the popular heart to trust the man Lincoln.

Secretary Chase addressed a letter, June 24, to Major-General Butler commanding at New Orleans, and who was in the position of those commanders whom the President so forcibly meant to restrain. The secretary evidently believed that the matter should be treated as mere administration, as a momentary military necessity of police control, and not from the larger point of view taken by the President. As subsequent events showed in the divided state of mind at the North, the management of slavery in these half-conquered districts involved some of the very largest issues of government which could engage the attention of rulers.

The secretary said, "In my judgment, the military order of Hunter should have been sustained. The President, who is as sound in head as he is excellent in heart, thought otherwise, and I, as in duty bound, submit my judgment to his. The language of the President's proclamation, however, shows that his mind is not finally decided." [1]

[1] *O. R.*, Series III, vol. ii, 174. The influential position of Mr. Chase, both in the cabinet and in his representation of the Anti-Slavery party of the North, gives interest to his whole expression to Butler concerning this matter. "Until long after Sumter, I clung to my old ideas of non-interference with slavery within state limits of (*sic*) the national government. But the Civil War was protracted far beyond my anticipation, and with the postponement of decisive results came increased bitterness and intensified alienation of nearly the entire white population of the slave States. With this state of facts came the conviction to my mind that the restoration of the old Union with slavery untouched, except by the mere weakening effects of the war, was impossible. . . . Meanwhile, my dear general, I trust you will so proceed as you begun. Let it be understood that you are no pro-slavery man. Let all be done that can be done for the loyal people of whatever condition or complexion."

An interesting phase of the progress of emancipation is revealed in Massachusetts, and in the action of Governor Andrew. In treating the matter precipitated by General Hunter, he made the greatest mistake of his lifetime, as he placed himself for the moment in pseudo-opposition to the national government. There was a scare at Washington, and as usual they wired Andrew for an instant dispatch of troops. On the day that the President's proclamation just cited was issued, Andrew answered hastily and in heat, not declining but hesitating as to whether he could furnish the men.

> Our young men are all preoccupied by other views. . . . The people felt that the South would use their negro slaves against them, both as laborers and fighting men, while they themselves must never "fire at the magazine." I think they will feel that the draft is heavy on their patriotism. But if the President will sustain General Hunter, recognize all men, even black men, as legally capable of that loyalty the blacks are waiting to manifest, and let them fight, with God and human nature on their side, the roads will swarm, if need be, with multitudes whom New England would pour out to obey the call." [1]

Such inconsistent patriotism could not long occupy John A. Andrew, and in four days he was working as vigorously as ever "in advance of directions" to forward the men. We must consider these incidents that we may understand the growth of opinion favoring emancipation, which consolidated the loyal majority at the North, while it tended to irritate and increase the alien or Copperhead element. So recently as October 1, 1861, the Republican convention at Worcester [2] "did

[1] *O. R.* Series III, vol. ii, 45.

[2] Schouler, *Mass. in the Civil War*, p. 248.

not favor the abolition of, or the interference with slavery." Resolutions in that direction were lost, and the respectable "Boston Advertiser" said the convention refused to indorse "the fatal doctrines of Mr. Sumner."

When we compare this feeling of Massachusetts with the opinion of Mr. Chase at this time, as expressed to General Butler, the necessary progress of emancipation in the public mind is most remarkable. In another direction, this situation emphasizes the practical inefficiency of the administration in 1861–62. While the whole question of slavery was in abeyance, then if they had used vigorously the force offered by the North unanimously, they might have done any and everything.

These opinions of Governor Andrew in favor of immediate emancipation were circulated among the governors of the New England States, and doubtless took effect in the informal conference held at the Commencement of Brown University in June. This occasion was preliminary to the meeting at Altoona, Pa., in September.

All this agitation came to the surface in the conference of the loyal governors at Altoona, Pa., in September. It does not appear that Morton of Indiana was much interested by the call, though he sent a representative who acted for him. Governor Curtin made the first formal suggestion for such a meeting to Mr. Seward at New York.[1] "He brightened at the thought" and wired the President, who approved. Curtin wrote the address and Andrew read it to the President when the conference closed and nearly all the governors went to Washington. Without doubt, the political and

[1] Egle, *Curtin*, p. 309.

practical effect of the conference was weakened and scattered by the actual issue of the Proclamation of Emancipation at the very moment when it assembled. According to Blair of Michigan, the attempt to induce the President to remove McClellan, immediately after Antietam, failed on account of difference of opinion among the governors.

This positive action of the Northern States, in so far as they had loyal administrators, was a strong, moral reinforcement of the national government. The inward state of public opinion on those delicate questions is shown in one of Governor Andrew's free revelations to his constituency.[1] Directly after the conference, Daniel Henshaw wrote and charged him as trying for the dismissal of General McClellan. The governor replied that he went to the meeting on the invitation of the governors of Ohio, Virginia, and Pennsylvania. He then discussed in very sarcastic terms the conduct of Hon. Joel Parker and others in criticising the executive. The governor alleged that the conservative governors were greatly pleased at the prospect of supporting the President at Altoona. After the proclamation was published they got more than was bargained for. Now he states the truth, — first, he read the President's Proclamation on the morning of the 23d, and was as much surprised[2] as Judge Parker, though he was more pleased, probably ; second, he did not formally and directly, nor indirectly, move for dismissing General McClellan or other officers from the army or navy. Again, — first,

[1] *Mass. Exec. Files*, vol. 127, p. 153, Oct. 22, 1862.

[2] Andrew had written Secretary Stanton, August 28, "God only knows whether the President will ever burst his bonds of Border-Stateism and McClellan." — Schouler, *Mass. in the Civil War*, p. 366.

he denies the moral right of gentlemen to carry on political controversies by penetrating private circles or promulging private conversations; second, the gentlemen in question need not have sent "a third person to find out what I said at Altoona." He concludes in a long and eloquent protest against the tendency "to obtrude matters mainly personal upon the attention of the people. . . . It interests no public man, civil or military, nor demands the thought of a loyal human being among us."[1] All of which seems to be good government, as we consider it, after some forty years of calm interval.

In the early part of 1862, the radical Republican leaders, as we have seen, had striven in every way to force the hand of the executive and bring about emancipation. So far the President had been content to administer, and not to govern. In such an emergency, it would seem that counsel and encouraging support should come from the coöperating departments of the administration. But our cabinet is a body for administration strictly, a staff of officers for delegated duties.[2] There is no copartnership in the executive.

We may note in this connection the position and relative influence in the cabinet of Secretary Chase. Among the many pregnant events in the administration of affairs in the beginning of the war, hardly any are

[1] *Mass. Exec. Files*, vol. 127, p. 153.

[2] "In the United States, the cabinet is a collective popular name for the heads of the eight executive departments. They have as a body no legal functions, but by custom meet the President at stated times for consultation. They are appointed with the advice and consent of the Senate, and are removable at the pleasure of the President." — *Century Dictionary.*

more suggestive than those issuing from the acts of Seward and Chase. Chieftains in the Republican party, well experienced in public business, the country expected much from them; and for themselves, these statesmen expected more to come in the opportunities of the new administration. Mr. Seward tried his hand early [1] at exploiting the new and raw President, and became ever after a loyal and most useful supporter of his chief. His great facility in affairs, his agreeable readiness in adapting himself and his views to the slow-moving Lincoln, made his practical assistance most valuable in working out the incidents of presidential action. Whatever Mr. Seward's expectant ambition might have been at the start, — and we have shown from his intimate correspondence that it was considerable, — he soon adapted himself cheerfully to sustain the leading rôle of the President, and supported him faithfully.

Far different was the outcome of Mr. Chase's action. He gave efficient service to the country, and might have given greater, if he had been content with his proper sphere of influence, and had supported his superior officer with a single heart in the loyal manner initiated by the great Secretary of State. Both the secretaries differed from the head of the government in habit of mind, and yet more in culture and experience. But the different character of Salmon P. Chase caused much the greatest disparity in the resulting action of the two men. Mr. Chase, sedate, pompous, accomplished, never forgot his personal ambition, nor the possible opportunities opening to promote it. Afterward, when he dragged the ermine of the Supreme Court of the United

[1] *Ante*, p. 54.

States through the mire of party politics, as he sought the Democratic nomination for the Presidency in 1868, he revealed the passing motives of the aspiring politician in the Treasury Department. He persisted in patronage of, and constant communication with, generals in the field,[1] apart from the regular and proper information of the commander-in-chief, and without the knowledge of his brother members of the cabinet. He grasped the financial situation[2] better than his coworkers, and his efforts were effective in sustaining the Treasury. Great though he was, and greater as he thought he ought to be, he was continually imposed upon by the wretched political followers, who were always tempting him to the presidency. He was at the mercy of "the knaves and fools in whom he confided,"[3] according to his biographer. Yet he assumed, unconsciously perhaps, that he was the natural head of the nation, notwithstanding that he was very deficient in commanding courage[4] at the serious crises of affairs.

Mr. Chase's peevish criticisms of the President's management and procedure are best revealed and met in Lincoln's own sincere and calm utterance. When officials were exclaiming that the secretary's resignation

[1] Hart, *Salmon P. Chase*, pp. 295, 297. As new officers came forward in 1862 and 1863, "Chase made it a point to get into relations with them."

[2] Out of his large experience in the Internal Revenue System, Mr. Boutwell could say, "Mr. Chase's mental processes were slow, but time being given, he had the capacity to form sound opinions." — Boutwell, *Sixty Years*, vol. i, 304.

[3] Warden, *Chase*, p. 521.

[4] Governor Boutwell from his immediate observation told me: "After Bull Run, every one was frightened but Lincoln. He was never so. Imperturbable, he never showed fear. Nor did Stanton afterward. But then Chase and all were scared."

from the Treasury, June 29, 1864, would cause a financial panic, he said: —

Chase thinks he has become indispensable to the country; that his intimate friends know it, and he cannot comprehend why the country does not understand it. He also thinks he ought to be president; he has no doubt whatever about that. It is inconceivable to him why people have not found it out; why they don't as one man rise up and say so. He is an able financier . . . he is a great statesman, and, at the bottom, a patriot. Ordinarily he discharges a public trust, the duties of a public office, with great ability — with greater ability than any man I know. Mind, I say *ordinarily*, but he has become irritable, uncomfortable, so that he is never perfectly happy unless he is thoroughly miserable, and able to make everybody else just as uncomfortable as he is himself. He knows that the nomination of Field would displease the Unionists of New York, would delight our enemies, and injure our friends. He knows that I could not make it without seriously offending the strongest supporters of the government in New York, and that the nomination would not strengthen him anywhere or with anybody. Yet he resigns because I will not make it. He is either determined to annoy me, or that I shall pat him on the shoulder, and coax him to stay. I don't think I ought to do it. I will not do it. I will take him at his word.[1]

Remembering that after these occurrences Mr. Chase was forced by his conscience or by circumstance to urge warmly the reëlection of Lincoln in the canvass, we perceive that the man from Illinois comprehended the situation much more clearly than the stately and polished politician from Ohio.

In considering what Mr. Lincoln did, we shall enter into the occasion, and comprehend it more fully, if we

[1] Chittenden, *Rec. of Lincoln*, p. 379.

know from what he escaped; in other words, what able contemporaries believed should have been done through constituting anew the methods of the administration. In the matter of working out the business of government through coöperation of the cabinet as a whole, Mr. Chase has recorded his views fully and clearly:[1] "It seems to me that the President and cabinet ought to be well advised of all matters vital to the military and civil administration; but each one of us turns his own machine, with almost no comparison of views or consultation of any kind. It seems to me all wrong, and I have tried very hard to have it otherwise — unavailing."[2]

He remarks that the President had a poor faculty for organization of executive action.

Two serious objections obtained against this plan, attractive as it appeared on the surface. The chief weakness in republican governments is in their divided responsibility and in the lack of that forcible action which a more absolute executive maintains. The talk of a board always tends toward hesitating delay and to the loss of opportunity. In the great operations of our Civil War, a cabinet embracing great men and allowing them freedom of action through departments escaped the worst consequences of this disability. And in spite of the President's manifest lack of organizing power, he generally had the marvelous faculty of doing the right thing when the occasion forced him to act.[3]

[1] On the other hand, Mr. Seward opposed regular meetings of the cabinet, and had his way in the early days of the administration. — Tarbell, *Lincoln*, vol. ii, 27.

[2] Hart, *Salmon P. Chase*, p. 293.

[3] "Mr. Lincoln treated every one of them (the cabinet) with unvarying candor, respect, and kindness; but, though several of them were men

The greater objection was in the character of Chase himself and of all similar statesmen. If Chase could have subordinated his ambition and his cherished hopes to the good of the Union as completely as Abraham Lincoln did, it might have helped, if the cabinet could have worked as one man, to push the administration of daily affairs. That was impossible. Knowing Chase as we know him now, in the light of history and of his own revelations, it would seem to have been better that he was kept in his own department and in doing his own especial and proper work. In other words, instead of creating a group of little presidents, working into the affairs of government through the cabinet, it was better as it was. Abraham Lincoln "assumed" the responsibility of full action at the crucial moment, better than any facile Seward, or scheming Chase, or fiery Stanton could have inspired or dictated that action. To this complexion we come at last, — government is in man, and the rough child of the prairie was the man of them all.

And the President counted little on the assistance of the more progressive governors of the States. After brooding over the proclamation for months, after giving moral warning to the loyal slaveholders in the border States, he brought it before the board of his official advisers. Then he did not ask their opinion in the matter of government, but upon a simple detail of administration. Specifying his own decision, he desired their

of extraordinary force and self-assertion, — this was true especially of Mr. Seward, Mr. Chase, and Mr. Stanton, — and though there was nothing of selfhood or domination in his manner toward them, it was always plain that he was the master and they the subordinates." — C. A. Dana, *Recollections of the Civil War*, p. 171.

advice as to the proper time of making it known, as to the occasion for putting forth the decree, which was to become effective January 1, 1863. And he followed the judicious suggestion to make the occasion after a victory, which, in the course of events, occurred at Antietam. The all-important decision, the governing power of the decree, was his own act, out of his matured consciousness. Lincoln was the centre of opposing as well as forwarding influence. He had to consider not only Curtin and Andrew, but unwilling Republicans like Blair, and persistent opponents like Seymour. The impelling force of the act, the magnificent courage of the occasion was in Lincoln.[1] And he was disappointed by the immediate result, for he expected increase in the recruiting. In the closest intimacy he wrote: "The

[1] To appreciate the heavy responsibility incurred and discharged by Lincoln, we only have to refer to the reception of the proclamation in England and expression of the time. The opinion of controlling minds is given with serene candor by Dr. Martineau in letters to a friend in Massachusetts, lately published. English opinion was inexplicable then, and is incomprehensible now.

"Apr. 14, 1863. A war which aims at impossible objects — be they ever so intrinsically good — is self-condemned. We believe Slavery to be truly, as you say, the *cause* of the struggle: we do not believe it to be the *stake* at issue. On the contrary, we regard the division between North and South as the one gleam of hope that has opened on the sad history of the colored race in America."

"July 8, 1863. The removal of Slavery is, in their opinion, no proper *object* of a war; and is, on the other hand, far too serious and responsible a change to be resorted to incidentally, as a mere *instrument* of war. It is preëminently a work of peace needing deliberation, time, and organized vigilance and control; and to inaugurate it in the heat and haste of conflict, to impose it as a military penalty, to identify it with confiscation and attainder, is to do all that is possible to make it hateful and hopeless. This, at least, is the view taken, so far as I can observe, by all the most experienced and high-minded men of affairs, including the anti-slavery leaders themselves." — *Trans. Colonial Soc. of Mass.*, vol. vi, 428, 434.

North responds to the proclamation sufficiently in breath, but breath alone kills no rebels.[1]

In his message, December 1, he fulfilled his pledge to strive for compensated emancipation. He refers to the great announcement, "All persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free."[2] He affirms,[3] "A nation may be said to consist of its territory, its people, and its laws. The territory is the only part which is of certain durability. . . . Physically speaking, we cannot separate." He argues at length, and forcibly, the great prospective increase of population in the whole United States, and the physical impossibility of giving the large interior districts — so prolific in every resource — outlets to the ocean, except through continuous territory and united government.

While it cannot be foreseen how much one huge example of secession, breeding lesser ones indefinitely, would retard population, civilization, and prosperity, no one can doubt that the extent of it would be very great and injurious. The proposed emancipation would shorten the war, perpetuate peace, insure this increase of population, and, proportionately, the wealth of the country.[4]

He recommends a definite plan for compensating loyal slave-owners, possibly to include colonization. This was not to exclude any military or forcible measures, but to reinforce and strengthen them. His responsibility[5] as

[1] Lincoln, *Complete Works*, vol. ii, 242.

[2] *O. R.*, Series III, vol. ii, 584.

[3] *Ibid.*, p. 890.

[4] *Ibid.*, p. 895.

[5] Mr. Wilson recognizes the profound change wrought by the proclamation. "When it came it was no law, but only his deliberate declaration

the head of the government[1] is amply set forth in this noble paragraph: —

I do not forget the gravity which should characterize a paper addressed to the Congress of the nation by the Chief Magistrate of the nation. Nor do I forget that some of you are my seniors; nor that many of you have more experience than I in the conduct of public affairs. Yet I trust that in view of the great responsibility resting upon me, you will perceive no want of respect to yourselves in any undue earnestness I may seem to display.[2]

Emancipation closed one of the greatest ethical movements the world has ever known, in that it substituted itself for the abolition sought by so many brave spirits a generation earlier. As Whittier stated positively for that party,[3] "it cannot be said that we did it." These earnest persons builded better than they knew. They influenced the state but little, in all their

of policy, for himself and for his party; and changed, as he meant that it should change, the whole air of the struggle, and of politics as well." — *History of the American People*, vol. iv, 232.

[1] April 4, 1864, Mr. Lincoln wrote: "Right or wrong, I assumed this ground. . . . I could not feel that, to the best of my ability, I had even tried to preserve the Constitution, if, to save slavery or any minor matter, I should permit the wreck of government, country, and Constitution altogether." — Lincoln, *Complete Works*, vol. ii, 508.

[2] *O. R.*, Series III, vol. ii, p. 897.

[3] Whitter wrote Lydia Maria Child in 1875: "The emancipation that came by military necessity and enforced by bayonets was not the emancipation for which we worked and prayed. But, like the apostle, I am glad the gospel of Freedom was preached, even if by strife and emulation. It cannot be said that we did it; we indeed had no triumph. But the work itself was a success." — Higginson, *Whittier*, p. 90. Whittier was the embodiment of the ethical resistance to slavery. Not even Garrison represented so thoroughly the inward spirit of abolition as did Whittier. This spirit made Garrisons, as the great agitator made Mortons, Andrews, and Curtins; but that belongs to another phase of the question.

agitation; but they moulded men and women into new creatures, who in the Sanitary Commission and on the field of battle made a new state, as has been shown. Blood and iron are not agreeable agents of civilization, but they are the means by which the great movements of mankind are worked out.[1]

The President bore the heaviest burden, but some of the governors successfully met exigencies which would have crushed ordinary men. The conduct of the State of Indiana for some two years by Oliver P. Morton was an essay in the art of government which must be famous always. The legislature assembling in January, 1863, was controlled absolutely by the Peace Democrats, who had elected their "state ticket" also. The governor reported to Secretary Stanton that it was intended to pass a resolution acknowledging the Southern Confederacy and urging the States of the Northwest "to dissolve all constitutional relations with the New England States."[2]

The legislature adjourned in the spring, without making appropriations, and having made every positive effort to embarrass the executive. It would have been useless to call it together again, for it would not appropriate except after securing assent to a military bill which would have deprived Governor Morton of all control of the forces of the State. The Democratic politicians little knew the power and resource of the man with whom they were dealing. As it proved, the old power of tyrants might yet be revived for the public good.

[1] Cf. Rhodes, vol. iv, 215. He sums the conduct of emancipation by the President. It was necessary, wisely done; and, on the whole, could not have been better timed.

[2] *O. R.*, Series III, vol. iii, 4.

April 18, the governor established a bureau of finance with his own financial secretary, collected the arsenal and other funds from the national government, borrowed money from individual citizens and from counties. The national government assumed the state debt for arms and took the property. But some unique methods of finance were planned at Washington, though they were not carried into effect owing to more favoring circumstances.

Indiana then owed $160,000 for interest, and $90,000 incurred for military operations. Stanton persuaded President Lincoln to make an advance from an appropriation of two millions made by Congress for supplying arms to loyal States and for organizing citizens against domestic insurrection. June 18, the President issued an order for the money. It was not used as anticipated, funds for the interest being furnished by bankers in New York. The money was used afterward for the expense of repelling Morgan's raid into Indiana. In the course of the negotiations Morton said to Stanton,[1] "If the cause fails, we shall both be covered with prosecutions;" and Stanton replied, "If the cause fails, I do not wish to live."

It avails not to charge that the opposition in the Northwest grew out of arbitrary arrests or any misdirection of the functions of government. Whether the arrests were wise measures of administration or not, they were an effect and not a cause. The campaign of the Peace Democrats was a deliberate effort to turn back the loyal North, to substitute some ill-digested compromise and the probable recognition of the Southern

[1] Foulke, *Morton*, vol. i, 261.

Confederacy for support of the Union. June 18, 1862, Governor Morton reported confidentially to Secretary Stanton,[1] as "deeply concerning" both the State and general government, the existence of a secret political association in Indiana, estimated and claimed to be ten thousand strong, bound to oppose all recruiting, to embitter public sentiment, and "generally to create distrust in and bad feeling toward the government and its recognized and legally constituted authorities." The newspapers supported by it were of more than doubtful loyalty. The "Sentinel" was as "thoroughly opposed to our government as the 'Charleston Mercury' or 'Richmond Enquirer.'" They considered the Legal-tender Act to be unconstitutional, and that "the responsibility of the war rests wholly upon the North." They charged repeatedly that "the sole aim and object is to interfere with Southern rights by securing the abolition of slavery." In the midst of this half-concealed treason, the governor believed the time to be "the most critical period since the commencement of the present war." He asked for at least ten thousand stand of arms to equip militia, "under the law creating the 'Indiana Legion.'"

This was not Anglo-Saxon political opposition; difference of opinion seeking to change government within legitimate limits. Treason is betrayal, and this agitation sought to create a revolution within a rebellion. Jesse D. Bright, a senator of the United States from Indiana, expelled January 29, 1862, may serve as an authority for construing Northern opinion, as viewed by this revolutionary element. He defined three parties in the

[1] *O. R.*, Series III, vol. ii, 176, 177.

North.[1] 1. Abolitionists, who would invade the South, free slaves, etc., called the Sumner type. 2. Those opposed to abolition, but who would invade and free negroes as a military necessity, represented by Senator Sherman. 3. Those opposed to invasion of the South,[2] favoring war for defense only, and the furnishing of men and means to keep off invasion of the loyal states. Loyal men termed this class three "Copperheads." Mr. Woodburn finds a middle class, between the War Democrats and the Copperheads, who were fond of calling themselves "Constitutional-Union Democrats."[3] These were men who insisted that opposition to the civil and political measures of the administration[4] did not constitute opposition to the war. Probably their constitutional basis was quite similar to that of Governor Seymour.

Whatever minor differences might range between the Constitutional-Union position and that of the radical Copperheads, the men controlling the Democrats held forcible opinions which could not be reconciled with any practical, possible government of the Union at this time. Rebellion and revolution know no middle ground. Accordingly the Democratic party resolved in 1862 that "in considering terms of settlement we will look only to the welfare, peace, and safety of the white race without reference to the effect that settlement may

[1] Woodburn, *Party Politics in the Civil War*, American Historical Association, 1902, vol. i, 231.

[2] Many associations in 1863 passed resolutions against the "abolition war" and in favor of peace. — Foulke, *Morton*, vol. i, 382.

Contrariwise, many soldiers in the field sent the strongest resolutions sustaining the administration and rebuking opposition. — Woodburn, p. 231.

[3] *Ibid.*, p. 232.

[4] *Ibid.*, p. 229.

have upon the condition of the African."[1] Doubtless this sentiment came not only from the conditions of the war, but from a strong antecedent tendency, the social and political heredity of the Southern immigrant in Indiana. Like begets like, even in opposition. George W. Julian and the radical Republican leaders would have made no compromise with nominal Union-loving Democrats. They advocated the sending of outspoken Copperheads across the lines, into the Confederacy.[2]

Secession and rebellion did not constitute crime in the view of the fully developed Copperhead,[3] and he certainly belonged morally in some territory where secession was a virtue and not a political fault. The "Sentinel" indorsed the statement of Harrison H. Dodd: "I would stop the war if it were in my power to-morrow, upon the basis of the sovereignty of the States, as contradistinguished from a centralized power, sufficient to reduce the States to Territories, by any process and for any purpose."[4] The same journal had proclaimed, a year before, that it was ready to throw over the constitution of the United States for that of Montgomery, as being decidedly better. Such insurrectionary doctrines could not be expressed and contained within the political forms practiced by any civilized government. In 1864 J. J. Bingham, chairman of the Democratic State Central Committee, published an address to

[1] Woodburn, p. 235.

[2] *Ibid.*, p. 243.

[3] Governor Stone of Iowa shows the practical and political position of the Copperhead. "Several counties and townships are behind on all former calls because they are Copperheads. This embarrasses me." — *Ibid.*, p. 284.

[4] *Ibid.*, p. 240.

the people of Indiana,[1] apprehending "attempts by those in authority to interfere by military power with the freedom of elections." And he recommended citizens to "coöperate in open and lawful organizations for protection and preservation of order." Governor Morton[2] counterwarned all "to keep aloof from all military bodies contemplating resistance to federal or state authority."

These political convulsions — compelled at last to stop short of open war and resistance to constituted authority — were inspired and maintained by the Knights of the Golden Circle, the Sons of Liberty, and other secret orders.[3] They were a significant contrast to the numerous open associations like the Sanitary Commission, which brought the social force of their communities to support the cause of the Union. The one sort was open-hearted and benignant, helping the cause of order, while the other, secret, dark, and treacherous, would have dealt death to the Union. It was a desperate and vain attempt to build up a new kind of independent state, amid the crash of rebellion and the tumult of bloody war. Such as they were, these socio-political bodies brought the power of association and affiliated organization to the rearing of a bastard state sovereignty.

[1] Foulke, *Morton*, vol. i, 356.

[2] The people rendered their verdict in November, 1864, by reëlecting the governor by a double majority. In the words of the *Wabash Express:* "No other man could have done more — who could have accomplished so much? This great change in popular opinion is owing more to the masterly manner with which he handled the thrilling issues of the day, than to anything else." — *Ibid.*, p. 365.

[3] The District Court at Indianapolis reported that the Knights numbered 15,000. Signals of the order were recognized by Confederate prisoners. — *Ibid.*, p. 381.

The numbers of the secret partisans emboldened them to plan a general rising under cover of a Democratic mass meeting, projected at Indianapolis, August 16, 1864.[1] These movements were aided directly by Davis's commissioners of "peace," Thompson, Clay, and Holcombe.[2] Thompson spent about half a million for arms, etc. The general plan was to rise in Ohio, Indiana, Illinois, and Missouri, to overthrow the state governments, to release the Confederate prisoners, and to organize a Northwestern confederacy, — big job for a treasonable conspiracy; but these restless politicians, seeking to be statesmen, undertook it cheerfully. The plan was discovered and nipped in the bud. Afterward arms were seized in Indianapolis, with the ritual of the Sons of Liberty, etc. This broke the power of the order, for it could live and breathe only in secrecy.

These subterranean operations were ferreted out by the sleepless enterprise of Morton, aided by the skill of General Carrington and his detectives.[3] It is so difficult for Americans to imagine and comprehend this kind of treason and stratagem that the plain citizens of Indiana could not believe before the explosion that such treachery was working beneath and around them. An old friend of Morton's protested that no such secret order existed. The governor crushed his skepticism by simply reading a stenographic report of a speech denouncing Morton, delivered in a conclave the night before.

The Knights of the Golden Circle were merged in the larger order of American Knights, or "Sons of Liberty."[4] The movement for organization culminated

[1] Foulke, *Morton*, vol. i, 375.
[2] *Ibid.*, pp. 399–402.
[3] *Ibid.*, pp. 405–407.
[4] *Ante*, p. 342.

in a convention at New York, February 22, 1864. Vallandigham was elected supreme commander. In the ritual these pregnant words were embodied: "The government designated 'United States of America' has no sovereignty, because that is an attribute belonging to the people in their respective state organizations, and with which they have not endowed that government as their common agent." [1]

This stated in regular form the doctrine previously and openly avowed by H. H. Dodd in Indiana.[2] The concealed treason finally manifested itself in these attempts at rebellion and open resistance against state and federal authority. Such resistance could result only in arrests, whether "arbitrary" or other. We can reason calmly now on the methods adopted, and condemn the mistakes. But Morton had to act then, to move at once, like a man who seizes the first vessel capable of conveying water, when he must put out a fire. Dodd and other Sons of Liberty were tried by a military commission, assembled September 22, 1864. Some were condemned to death, but Judge David Davis convinced Governor Morton that the commission was illegal, and he finally induced President Johnson to commute the sentence to imprisonment, which was more substantial justice probably.

Yet Morton, though compelled to adopt the sternest executive policy, — justifiable under the forms of civil government, — was a just and honorable citizen, seeking to bring order out of a seditious time. When Lincoln was assassinated, a great meeting was assembled to express the mournful feeling of the community. Mc-

[1] Foulke, *Morton*, vol. i, 393.

[2] *Ante*, p. 341.

Donald, a Democrat, said that he never had personal differences with Morton, and hereafter he would have no political differences. Hendricks, the embodiment of Copperheadism, arose to speak in the "uncontrollable fury" of the multitude. Men rushed with weapons, shouting, "Kill him! Don't let the traitor speak!" Morton raised his hand, and with "his terrible eye and ringing voice," says the biographer of Hendricks, "commanded and besought and quelled the crowd."[1] In political development he was a type of those Western men whom the aggressive movements of slavery educated to become the final destroyers of the institution. Abraham Lincoln was a Whig of Kentuckian descent. Morton was a conservative Democrat, who became at last a strong advocate of the fifteenth amendment to the constitution; Hoosier-born, he was now "born again." It was said that his political course corresponded roughly with the steady advance of the Republican party, first "free territories," then "emancipation," finally "enfranchisement."[2] This progressive political "pillar of fire," this largeness of idea, made him "splendidly inconsistent." He led not only the people, but the strongest and ablest leaders of the people. When Secretary Stanton's resignation was bruited, late in 1862,[3] he wired: "I believe that your duty to your country and the best interests of the nation require you to retain your position." His sympathetic and militant brother-patriot answered: "I shall never desert my post. Of this you may be sure." When he was stricken by disease, Salmon P. Chase and Edwin M. Stanton agreed that "no governor had ren-

[1] Foulke, *Morton*, vol. i, 439.
[2] *Ibid.*, p. 452.
[3] *O. R.*, Series III, vol. ii, 953, 954.

dered such services or displayed such courage or ability in administration."[1] These labors would have prostrated most men of strength, and they laid this paladin low, only to rise again. He bore his full burden until October 10, 1865, when he was stricken by paralysis, and never walked again without aid. In almost constant physical suffering until his death, in 1877, these untoward circumstances seemed to increase rather than diminish the power of his intellect and the force of his will.

Naturally, he went to the Senate of the United States, and I well remember him as he addressed that body, leaning on a peculiar iron frame for support. A keen observer, who knew closely most of the great men of the period, said to me, "There is something Websterian in that brow." With a large head and high forehead, dark searching eyes, voice not loud but deep, naturally powerful and commanding in presence, though infirm then, he was active thought and will incarnate.[2] A voracious reader, quickly sucking the life from books, industrious, devoted to his family and writing his wife daily when absent, caring for soldiers in the field as if they were his children, he was a strong hater and was feared by his enemies. Like many great leaders of men, he had no definite creed. The "Evidences of Christianity," read in his youth, were too strong for his tender faith and kicked backward, like an overloaded gun. He believed in immortality and a religion of love. With every opportunity for acquiring riches, he died possessing a moderate independence. His proud nature despised corruption in any form.

A mighty force impelling him to steadfast, onward,

[1] Foulke, *Morton*, vol. i, 456. [2] *Ibid.*, pp. 507–532.

political progress was in his confidence in the Union. He never doubted that, as constituted, it contained within itself the means for its own preservation, and all powers necessary to ward off attack. Such serene faith in the largest powers of government carried him in a higher atmosphere, more perspicuous and lucid than the doubts of common men. He consulted nobody; but gathered his facts and digested them, then fixed his purpose "within his own mind." And this mind rose above circumstance and environment. Adverse conditions, which depressed others, inspired him to greater effort. His persistent will was bold, and it went onward. Intense were his ambition and love of power; but he used these faculties for the good of the people. He was literally a public servant. Julian knew the whole business, and in his history of Indiana he called this career "The Reign of Oliver P. Morton." He made himself master of the Democratic party, including its rebel element, and controlled his own party at the same time.

Perhaps no administrator — whether king, general, or governing orator — ever threw himself more absolutely and without reserve into his work. When arguing a cause, or acting as the head of his people, he knew nothing of self or selfish purpose. The end, the country's need, the indomitable compulsion of affairs miscalled "destiny" drove him to the unavoidable act, the impulse of genius.

The matter of arbitrary arrests — especially as conducted by Stanton and Morton — will be interesting and important, as history moves on. While it may be impossible to formulate a right of control and seizure

of the person under a free government, which can satisfy enlightened jurists, it is equally certain that no government can be carried through privy conspiracy, treason, and rebellion, without using some methods of a despotism. Civilization has spent its best strength in limiting and binding executive power. All this has been done by willing citizens, contributing themselves to the state, for common service with the executive. When the individual citizen revolts and seeks to destroy the state, his relation with the executive changes absolutely and of necessity. The executive cannot be bound in the interest of a person whose will would subvert the state.

The arbitrary executive simply substitutes his own will in action for a properly constituted power issuing from the ordinary civic source.[1] But the exigency is extraordinary, demanding immediate executive action. Though the means are absolute, it does not follow that the end created will be despotic and tyrannical. Judge Parker of Massachusetts said the President is a "monarch. His is an absolute, irresponsible, uncontrollable government; a perfect military despotism."[2] Judge Curtis argued to the same effect. But was it "despotism"? The people did not so conclude, after due deliberation. It was the work not of a despot, but of "Honest old Abe," trying in the interest of his constituents to get through a bad predicament. He was

[1] Mr. Wilson remarks that the President had exercised the full prerogatives of the executive in suspending the Habeas Corpus Act when necessary. "Congress now gave him (in May 1863) explicit authority to set aside the rights of individuals whenever it seemed necessary to safegard the Union." — *History of the American People*, vol. iv, 236.

[2] Cited by Rhodes, vol. iv, 169.

far from "irresponsible," and only acting firmly under a sense of his responsibility to the people. Here we should consider what kind of political entity is constituted by our people. Our polity was English by heredity; quite as English in development. Let us go back to 1789 and find out in what manner the sovereign people got under way in America.

The people — reservoir, deep-current, and ground-swell of sovereignty — the people were recognized in 1789 for the first time since the days when the horde elected chieftains or accepted laws. The great work of civilization had created certain governmental organs of state, assemblies, representatives, barons, counties, municipalities, and guilds; these were massive bulwarks and bastions between governors and the governed. English government was based on orders and classes, not upon the nation as a whole. Crown and parliament, lords and commons — the common men being knights of shires or burgesses of towns — ruled England. In America, town-meeting and county, constable and sheriff, legislatures and governors of states, — these latter being little descendants of kings, according to Mr. Freeman, — these historic organs stood between the people of 1789 and the coming central power, desiderated and craved, yet feared lest it might prove more oppressive than the royal power they had just escaped.

A great general principle in federal government was now enunciated. In the words of a thorough student of institutions, it was "the most important and far-reaching political principle to which our career as a nation has given birth."[1] Curiously it came from New

[1] Taylor, *Origin and Growth of the English Constitution*, vol. i, 65.

England; for our district has given few general ideas to the Union, though it has contributed excellent special principles. The Websters — Pelatiah and Noah — published tracts advocating that the Congress of the United States should not only enact laws, but should execute them through its own officers, upon the persons of the citizens of the United States. Not only states but individuals should be directly responsible to the supreme power — the apex of the popular pyramid. The idea once proclaimed speedily enforced its own adoption. The historic organs of state, as described above, were corporations, in substance if not in form. A state government, a sheriff of a county, was a shell outside which the imperial government must stay, — so long as the shell was incorporate, — and staying wait for its rights until this direct service of writs, etc., brought the federal authority home to the people. A strong presidential executive, a survival of kingship, necessarily followed the same idea. "The community of all, not a society of the better" — we repeat — has been the practical ideal of the American state. The people, through the onset and advent of federal action, have become an essential part of the most thoroughly imperial system yet established in political development. The least and the lowest are constantly being swept from stagnant social eddies by the great stream of politics, and carried into responsible offices of the state. The process is full of danger; yet it rarely fails of tolerable success, and often achieves brilliant results. Man — the child and image of God — is the basis of our state, and man returns and repays the generous confidence that society has given him.

The people, this mass of humanity and community of all, — articulated into organs and political functions, — found their natural executive in Abraham Lincoln. To call that man a monarch and despot showed a jurist intoxicated with the musty fumes of legal lore; inebriate with texts and unfitted for the necessary deeds of any desperate time. And the simple, uninstructed, but not ignorant people knew it. Mr. Lincoln, in another connection, stated exactly how he recognized the power of the compelling situation, and his conscientious sense of the duty imposed. He said to Horatio Seymour, the type of these hesitating counselors and worshipers of precedent: "My purpose is to be in my action just and constitutional, and yet practical, in performing the important duty with which I am charged." [1]

The rebellion was the impelling power of action and not the self-moving arbitrary will of the executive — whether federal or state — when a traitor had forfeited his personal liberty, and was outlawed in presence of the state. It was because the rebels knew so well that James Buchanan in his nature could not put forth the executive arm as Andrew Jackson would have done that the rebellion took its way without let or hindrance in the beginning. Virginia never could have been dragged at the chariot wheels of South Carolina if there had been an arbiter in the White House instead of an incompetent timid seeker after precedents like Buchanan.

We should not condemn the jurists without reserve, for good men of action, strong supporters of the executive objected to the methods, if not the principle.[2]

[1] *O. R.*, Series III, vol. iii, 636.

[2] Governor Andrew was opposed to the "power of arbitrary arrest so

Governor Curtin, in a message to the Pennsylvania legislature, recommended an Act of Congress providing for trial of "persons charged with such offenses in the loyal and undisturbed States, so that the guilty may justly suffer and the innocent be relieved."[1]

Congress converted "arbitrary" into legitimate executive power, by passing an act approved March 3, 1863, authorizing the President to suspend the writ of *habeas corpus* and requiring the Secretaries of State and War to furnish lists of political prisoners to the courts for trial. It was claimed that these provisions for trial were never carried out, showing that, as I have stated, it is not easy to formulate laws which can actually control the necessity of the trial. September 15, in the face of the coming elections, the President was obliged to issue a proclamation suspending the writ throughout the United States. His manifesto was supervised by Secretary Chase,[2] an opponent of arbitrary arrests, and doubtless was the best form of using prompt executive authority which could be made practicable. My object in this discussion has been, not to trespass on the province of jurists, but to set forth the compelling circumstances which actual necessity and the consequent use of these abnormal methods of government have created for conscientious officials.

Some insight in studying the difficulties of these officials may be gained if we compare the necessary principles of war with the established custom of peace. The times were out of joint, and the varying conditions

loosely exercised in the loyal States by the federal "Secretaries of State and of War." — Browne, *Andrew*, p. 113.

[1] Cited by Rhodes, vol. iv, 236.

[2] *Ibid.*, p. 417.

of the States required different methods of administration. Governor Andrew could discuss constitutional procedure with Judge Parker, having enormous majorities at his back; but Morton, holding only the tattered rags of his gubernatorial mantle, must act against men secretly armed for overthrowing the civic government. John Sherman, a statesman who opposed arrests, wrote his brother, November 16, 1862:[1] "No doubt the wanton and unnecessary use of power to arrest without trial and the ill-timed proclamation contributed to the general result [of the elections]." Sherman was a patriot and a bright example of the temporizing Republican. But it will be observed that he liked the Proclamation of Emancipation no better than the arrest of secret secessionists — persons who aided the rebellion in the way which might most damage the Union. Treason, directly aided by the Confederacy,[2] was working to undermine federal and state authority so that Seward and Stanton, and afterward Morton, felt obliged to strike at secret treason in any way they could control.

To revert to the military analogy, the arbitrary arrest in civic life was the offensive-defensive so desiderated by strategists in its most stringent form. It brought instant force to bear on the occasion, as General Sherman contended for a timely use of the direct assault, instead of constant, cautious manœuvring. Some critics condemn direct assaults on the field, but General Sherman, more than a critic, was a man of genius, possessing all the resources of strategy and tactics. Hear his opinion of Grant's bloody reverses in the campaign of the Wilderness:—

[1] Sherman, *Letters*, p. 167.

[2] *Ante*, p. 343.

If General Grant can sustain the confidence, the spirit, the pluck of his army, and impress the Virginians with the knowledge that the Yankees can and will fight them fair and square, he will do more good than to capture Richmond on any strategic advantage. This moral result must precede all mere advantages of strategic movements, and this is what Grant is doing. Out here the enemy knows we can and will fight like the devil, therefore he manœuvres for advantage of ground.[1]

Fear is a tremendous motive and moral factor among mankind. Will it ever cease to be so? Executive or ruler, judge or general, must always reckon it as a latent but imperative factor among rebels and criminals, as well as soldiers and honest citizens.

The subterranean movements of the Knights of the Golden Circle and other treasonable conspirators naturally produced changes within the Democracy proper. The radical few opposing the draft and initiating treason impelled the serious and patriotic members of the party to an efficient support of the administration. There was a lull in political development in the spring of 1863; which was proven by subsequent events to have been deceptive in its hopeful aspect. August Belmont wrote Rothschild that "the few *peace-at-any-price* men" were silenced altogether. And Sumner could say the "Democracy is insisting upon the most strenuous support of the war."[2] These differing characters, observing the current of public affairs from very different points of view, were both impelled to a more sanguine estimate than the facts warranted. For some of the most potent facts, as we have seen, were concealed from

[1] *O. R.*, vol. xxxviii, part iv, 294.

[2] Citations, Rhodes, vol. iv, 243.

their view, and hardly could have been anticipated from previous knowledge of the American people. Yet the open conduct of the Democracy improved in 1863. There was no factious opposition in Congress, and John Sherman could say to his brother in November: "The war was never more popular than at this moment." That keen observer, James Russell Lowell, could record that "the progress of years has outstripped the expectation of the most sanguine, and that of our arms, great as it undoubtedly is, is trifling in comparison with the advance of opinion." [1]

The general movement of the national finances belongs to history proper, but one aspect of finance enters into our study. The States, through their representatives in Congress, opposed the organization of the National Banking System at the start, and thus embarrassed the Treasury for some two years.

The business of the United States was carried on in 1861, virtually by $200,000,000, of state bank notes, based on a sufficient reserve of specie. This specie was not evenly distributed, but was held in the moneyed centres. There was no system of mutual support among the banks, and no adequate provisions for control of circulation or speedy redemption. It was estimated that there were seven thousand kinds and denominations of notes, not to speak of counterfeits, which were in general circulation.[2] This ragged currency broke down under the political shock of secession and rebellion. It was contended by some authorities, especially in the West, that all issues of state banks had been in violation

[1] Rhodes, vol. iv, 423, 424.

[2] Hepburn, *Coinage and Currency*, p. 177.

of the constitution of the United States. This general financial condition of the country greatly aggravated the difficulties of the Treasury and the administration. Secretary Chase also pushed his dislike and distrust of state banks to the extreme, and would not use them as temporary depositories in handling his loans. Standing by the Sub-Treasury, with every technical limit, he obliged lenders to furnish loans in specie directly to his agents. He enforced mediæval finance with all the increased power of modern resource. This course, when there was such insufficient means for transacting public and private business, was a severe hardship; and it precipitated a partial panic for specie, December 16, 1861. The market was much excited then by the possibility of war with England, caused by the Mason-Slidell incident.

In 1862–63, the administration, as well as Congress and the people, became conscious that the burden of subduing the rebellion would require the largest financial measures to carry the task to a successful issue. Every kind of nice particularism must yield in finance, as it had yielded in the fancied inviolability of states and persons, in the desperate necessities of the Union. Early in 1863, the House of Representatives was informed that a billion of dollars must be borrowed in eighteen months;[1] that the national expenses were then two and one half millions per day, Sundays not excepted. The income was six hundred thousand; so nineteen hundred thousand must be borrowed daily.

[1] Beyond the national outlay the individual States had spent freely. The writer's father was Chairman of the Commitee on Finance in the House of Representatives of the General Assembly of Rhode Island. He

Legal-tender notes, fractional paper currency, treasury notes were being issued in alarming aggregates.[1]

Probably a mistake was made by Secretary Chase in changing the rate of interest on bonds redeemable at option in five to twenty years, — popularly known as 5-20s, — from six per cent. to a lower rate at five per cent. with a longer term at option, after ten years to forty years. The national banks were forced into taking the lower-rate bond to get a basis for business, and the 10-40s might have been limited to them. But the rate of six per cent., then being accepted, was low enough. Enthusiasm for contributing financial aid was chilled, and the popular supply of money lessened. The penny-wise saving in interest was lost hundreds of times by increased premiums on gold and the consequent advance in prices paid by the nation. Meanwhile the latter end of the 5-20s loan was placed by the secretary through popular subscription. This was fostered by energetic agents and commissions, by advertising and all the ingenious methods of modern finance. It was another move toward concentrating the resources of the people by large national methods, and so deserves mention here.

As noted, the main difficulty was in the lack of stable currency and of large financial machinery; to meet it Secretary Chase had proposed in his report in December, 1861, to establish the system of national banks.

drew the bill which was to put the little State into debt for one million, an unknown extravagance in those days. The act passed with little comment. After adjournment, Orray Taft, a wealthy, prudent, and provident capitalist, came toward my father. He said, "My heart sank in prospect of the interview." But the cheery citizen accosted him, "Weeden, that is right! We shall need more yet."

[1] Spaulding, *Paper Money*, pp. 174–176.

Herein he was opposed and hindered by petty particularism and state prejudice. It was not until February, 1863, that this obstacle to a larger national government was overcome, and the act creating the national banks passed.

It was a principle considered broadly, like the drafting of the people into the service of the Union. It brought the financial force of industrial enterprise and the fecundity of exchange into a larger moneyed system, which could be and which was used to support the government. Had this powerful system been created in the beginning, it would have averted probably the passage of the Legal-tender Act, and it certainly would have lessened the depreciation and the consequent evils of the United States notes, or "greenbacks." The cost of the war was enormously increased by the depreciation of paper money and the advance of the premium on gold to 185. A large fraction of this cost, aggravated by depreciated public credit, would have been saved, had the States, through their representatives in Congress, been wise enough to follow Secretary Chase in his enterprising and sagacious recommendations in the beginning.

CHAPTER IX

THE UNION VINDICATED AND DEVELOPED

IN the administration of affairs at the crisis of rebellion, in the management of vast resources put forth to subdue revolt, the central power of the United States necessarily took on new responsibility and exercised new powers. The far-sighted Hamilton outlined these possibilities even better than he knew. "The wants of the Union are to be supplied in one way or another: if by the authority of the federal government, then it will not remain to be done by that of the state governments." National unity, the product of "Union the bond of all things and of man," came into renewed life in the western world. In the travail of battle and the sacrifices of war the conception of government was broadened; it was even created anew, in order that the enlarged energies of the American people might be employed.

The war was not completed until nearly two years after Gettysburg; but the issues were initiated and the consequences shadowed forth by that victory, as Lincoln clearly perceived. He was bitterly disappointed in the immediate and material result. In the intimate revelations recorded by Hay, he said: "I regret that I did not myself go to the army and personally issue the order for an attack."[1] In his patient resentment he was just,

[1] Nicolay and Hay, vol. vii, 278.

for he said later: "Still, I am very grateful to Meade for the great service he did at Gettysburg." [1]

In his masterly utterance at the dedication of the cemetery on the ground, about four months later, — an utterance heard in this country, but immediately felt and comprehended throughout the civilized world, as words have hardly ever been understood, — he said: —

> Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. . . . In a larger sense we cannot dedicate. . . . It is rather for us to be here dedicated to the great task remaining before us . . . that this nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.[2]

The heroes had spent their lives, leaving a battlefield not to be fed by soft dedication, but for an enduring memorial in the hearts of their fellows; a treasury of deeds, whence more and greater deeds should build up the future of the common country.

In the words of this stalwart apostle of national unity, a new birth of freedom came out of the throes of revolution and was assured permanent life in the epoch established at Gettysburg. In his second inaugural address, delivered more than a year later, he only enlarged and extended the momentous thought inspired by that great triumph. He said that in the beginning "both parties deprecated war; but one of them would make war rather than let the nation survive; and the other would accept war rather than let it perish. And the war came.

[1] Nicolay and Hay, vol. vii, 278.

[2] Lincoln, *Complete Works*, vol. ii, 439.

. . . Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. 'Woe unto the world because of offenses.' . . . With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in." [1]

Government by the people had incurred a new responsibility and was to take on new powers through the enlarged and perfected Union of the States.

Mr. Lincoln refers briefly to the facts we have treated at length, stating that the administration as well as the rebels did not comprehend the innate magnitude and force of the revolt, nor the latent might of the Northern purpose to subdue it. Neither party foresaw the consequences, impending and inevitable in emancipation and the destruction of slavery; for as far as possible slavery had been avoided in the organization of the Confederacy, and in the uprising of the Northern people to overcome the revolt. The ascendency of government exclusively, the defeat of the rebellion, and the restoration of order inspired the Northern people and impelled their representative armies in 1861–62.

The partial defection from the cause of the Union of the Peace Democracy late in 1862 and in 1863 was attributed to the reëntrance of the demon of slavery, and to the struggle for emancipation. But in the final result, the strength of public order in the North, the deep-laid foundations of Union were more completely revealed in consequence of the thorough revolution.

[1] Lincoln, *Complete Works*, vol. ii, 657.

As the President indicated above, had the revolt been subdued at the beginning, emancipation would not have been compulsory. Probably there would have been some form of graduated and compensated emancipation. In that case, the tremendous power of the Union — in the States and through the States — would not have been revealed and put forth, as the people were compelled to put it forth in the year 1863.

Like an immense turbine wheel, running in a fall of water from above and dragging through a backward flow of water below, the government of the Union, becoming national as it spent "blood and iron," went its course, overcame the backward currents, and established the irresistible will of the people. These were the issues of a tremendous historic problem. Fascinating as the military exposition of campaigns and of battle is and will be always, the incidents of local state and central national evolution are much more important. The germs of government are in these events which the loyal peoples, the war governors, and Abraham Lincoln finally marshaled to the ascendency of the American Union.

In his famous letter of August 26, 1863, the President showed his appreciation of the gains at Vicksburg and Gettysburg, and his confidence in the renewed Union dedicated to freedom. "Peace does not appear so distant as it did. I hope it will come soon, and come to stay; and so come as to be worth the keeping in all future time. It will then have been proved that, among free men, there can be no successful appeal from the ballot to the bullet." [1]

[1] *O. R.*, Series III, vol. iii, 734.

As we leave the immediate personality of the President we may consider the kingly power which he used so sparingly and so well.

I have referred at times to the survival and occasional operation of the kingly power in our method of executive government. It cannot be considered too carefully, as we approach the end of these studies. Serious observers of our time are coming to attach more and more importance to the rarely existing survivals of the ancient kingly power in the executive. It is the true Jovian principle, the divinity that doth hedge a king. It cannot be formulated in statute nor embodied in a technical privilege, for it is too ethereal for the ponderous mace of established authority. It is the power of the people, directly represented by their own chosen leader and ruler. It is one of the few romantic and sentimental franchises left to the common citizen, the every-day man, whether of a republic or a kingdom. As its true historic significance is beyond the comprehension of the petty politician, so he hates it, tries to ignore its existence or to repudiate its legitimate exercise. These self-considering patriots could not comprehend Lincoln in times of war; they equally misconstrue Roosevelt in the few occasions when the conditions of peace have opened the way for this godlike faculty.[1]

It works so naturally in the American system that,

[1] Facts suddenly reveal deep principles, hardly surmised in the superficial indications antecedent to the deed. Who accomplished the late solution of peace, — not only in Asia, but possibly in Europe and the world, — a solution considered impossible until it was undertaken? Not the war-lord of Germany, not the constitutional king of England, nor the paradoxical president of France, but the chosen representative of the American people.

like the functions of a healthy animal organization, it is generally not recognized. When it does not exist by heredity, the vacuum is sufficiently apparent and calls for something beyond the common idols of popular representation. Mr. Froude[1] said: "If I were a New Zealander, I should desire an elective president like the President of the United States, uncontrolled except in taxation by a popular chamber." And the same clear expositor believed that Canada and the Australias left to themselves would have preferred American methods. "In the President rests the supreme executive authority. He chooses his own ministers; he is responsible to the nation and not to Congress."

Whether it would have been a better stroke in civilization to have suppressed rebellion speedily, and to have reëstablished Union in 1861–62 with a limited and regulated system of slavery instead of enforced emancipation, is beyond the ken of human kind. The problem is speculation pure and simple. Never was a great emergency in history more fully developed and precipitated by the inexorable logic of events. Out of the agony of a nation divided against itself, out of the fiercest throes of battle, came the freedom of the slave; for no one man decided the issue.

It is true that we are disposed to treat the whole problem of our relations with the negro much more modestly now than was the custom in the third quarter of the last century. New issues of state-rights have arisen which cannot be treated here. Yet we are to remember that as slavery was accidental in the union of the States, so the race problem is incidental now. The great issuse

[1] *Oceana*, Tauchnitz ed., pp. 203, 236.

of the government of the Union must be developed and worked out on their own merits, and over and above the incidental contact of race with race. The blundering exclusion of Chinese and Japanese is only a little worse than our management of the negro race.

The whole matter of personal contact between peoples, civilized and partly civilized, must vex the twentieth century almost to desperation. Scientifically instructed men, bred under industrial systems, are meeting tribal organizations in their primitive ways all over the world.[1] Even Christianity, the greatest of civilized systems, can afford no immediate and specific solution of the difficulty. After the Renaissance and Reformation, it was fondly imagined that the Christian faith had but to proclaim itself and all would be well; that the world, renovated and repaired thereby, would adapt itself to ideal living.

Fully as we trust the essential power of the faith, we begin to doubt its practical administration in a world not adapted to it. The Mohammedan faith is as vigorous and thrifty as the Christian. Its mahdis and delusive prophets very well offset the Mormon Joe Smiths, Western Dowies, and Yankee Mother Eddys, in exploiting

[1] The war gave an interesting physical illustration of the difference between savagery and civilization on this continent. Sherman marched through the hostile Confederacy with a column of 60,000 men; the then unit of warlike force, powerful enough for defense, not large enough to be unwieldy. Lewis and Clark in 1806 "found the natives extremely numerous and generally friendly, though we have on several occasions owed our lives and the fate of the expedition to our number, which consisted of 31 men." — *Century Mag.*, vol. lxviii, 875.

Yet we put a rifle and an alphabet in the hands of a savage, and expect him to keep step with civilization developed away from him for thousands of years.

popular credulity. Miraculous pigs no longer run about in Judea, but Lourdes musters thousands of Christian pilgrims in enlightened France. Japan, nourished by a religion[1] instituted long before the birth of Christ, can organize a state wonderfully, can send forth citizens of all grades of intelligence, animated by a spirit of patriotic sacrifice surpassing the devotion of all the Crusades. China, possessing the oldest and in many respects the most permanent system of civilization, wants our Western science, but repudiates our religion. When we remember and mortify ourselves over the greedy rapacity and semi-barbarous action of some of the highest cultured Christian nations in the Boxer times, we blush and hardly wonder at Chinese skepticism.

To get at the true significance and force of Lincoln's masterly phrase, embodying popular government, it may help us to consider other uses of the term, and some potential issues of government which have been sloughed off as civilization advanced; or at least have been developed into new organs, holding due place and a defined work in the body politic. The world was shocked by a brutal massacre, which the government of Russia thought proper to inflict on its people in January, 1905. The issue would have been a simple matter of government to a western trained mind — a function in the right of petition. Not so in Russia where East and West meet and produce many curious political manifestations. Every one knows that the Tsar is or was the "little father" of his people. In the church this function of government has one signification, in the

[1] "The ancient Japanese term for government, *matsuri-goto*, signifies liberally matters of worship." — Hearn, *Japan, an Interpretation*, p. 38.

daily walk of life it has or has had others. Few of us supposed that this phrase, figurative to a western mind, would become a modern economic function, a practical governing essence of imperative force. The orthodox Russian workman had believed that the fountain of justice, the "little father," could solve troubles in labor and wages, just as implicitly as the believer trusted that the autocrat could smooth his way to heaven. So in western countries an industrial community believes or pretends that their fetish, the trade union, can bring about political development, imponderable and impossible. Or perhaps the confidence prevailing in the atmosphere of Russia was more like the faith of a North American Indian in the miracle of his "medicine-man." The practical result under Russian administration was not a mere failure of the right of petition, but bloody butchery of the suppliants, with their wives, children, and neighbors. According to governing Russia, all this was a necessary incident of industrial development confounded with mistaken political aspiration.

In highly developed Great Britain, the term government is used to indicate in a definite way the cabinet or working ministry, apart from the sovereign. Cabinet is a limited term. Burgess shows that the common ideas of publicists are hazy and confusing, as they set forth the terms state and government.[1]

In America, the circumstances of our history have prescribed and controlled the development of government. It was not easy for us, as it is now difficult for Russia, to assign and ordain the functions of government. Blood was shed freely in the revolution against

[1] Burgess, *Political and Constitutional Law*, vol. i, 57.

George III to assign the limitations of royal prerogative. Greater yet was the sacrifice in the massive rebellion of state-rights and slavery, when, as Lincoln boldly predicted at Gettysburg, the last appeal was made from the ballot to the bullet. Never was more momentous issue brought into civilization, and it was worked out "with malice toward none, with charity for all."

As Mr. Burgess defines, America has embodied in her experience a clear and salient separation of the partial functions of government from the great powers of the state as it exists in its entirety. In our polity government is not the sovereign organization of the state. "Back of the government lies the constitution, and back of the constitution the original sovereign state which ordains the constitution both of government and of liberty." [1]

The state is the whole, the massive result of civilization. "Divine right," whatever that was, could only produce practical government. Even a king or emperor — royal and peremptory — was and is only a function of the state. Before this principle was stated formally, Lincoln perceived and grasped it actually. He saw that this principle was the corner-stone of the United States, and he formulated it in the term Union. In the crisis of affairs, July 3, 1861, he said to the members of the Senate and House of Representatives, who were "fellow-citizens," the "States have their status in the Union, and they have no other status. The Union and not themselves separately procured their independence and their liberty." [2]

[1] Burgess, *Political and Constitutional Law*, vol. i, 57.

[2] *O. R.*, Series III, vol. i, 317.

The supreme executive in modern organization — be it president, king, or kaiser — is one with the people, the expression of the whole, through its legitimate head. Lexicographers, seeking positive definition, say of the state: "The whole people of one body politic, the commonwealth; usually with the definite article; in a particular sense, a civil and self-going community; a commonwealth." Our American colonies, after snapping the umbilical connection with the Crown of Great Britain, assumed much in taking the name of States. They could not have taken these names, had they not been virtually parts of the United States. Independent as these communities were in the development of personal liberty, they were even more dependent on their common union, in their autonomy as States. The incipient troubles of the first confederation proved this absolutely. It was not until the genius of Hamilton — cautiously followed by the skillful Madison — welded into one substance the differing faculties of would-be independent communities that a genuine state was formed in the body politic of the American Union. It was impossible that the whole grandeur of a state, which is the "organ of our collective best self, of our national right reason," [1] could be comprised in a local community and exercised within the limits of particularism. The conformation of the free individual, the modern political man, might be in local society; his habitat must extend over the nation, must possess the greatest opportunities of empire, as it exists potentially in the Union of the States.

This fusing and welding of local communities into

[1] No one excelled Matthew Arnold in phrasing the popular consciousness of the nineteenth century.

one state, potential and imperial, has been justly appreciated and admired by disinterested observers in Europe. Mr. Froude says [1] that England must regard our experience, more or less, in her inevitable combination of "self-governed communities into a single commonwealth." He considered that the original bond of the American Union under the Declaration of Independence was even looser than the ties now binding Canada and Australia to the Crown, though time and custom strengthened that bond. It was resisted by the sword, was sustained, and now the "American Republic is, and is to continue, so far as reasonable foresight can anticipate, one and henceforth indissoluble." [2]

The partial blindness which could recognize the state only in particular and local States affected Seymour,[3] Vallandigham, and Dodd, as well as Davis and the apostles of Calhoun. With their inadequate political vision, they could not perceive that a state half sovereign in a shorn and plundered Union could not equal a state which should be an integral part of a larger and more commanding Union.[4] The greater the whole, the

[1] "No monarchy or privileged order could have dared to take the measures necessary to maintain the American Union. They would have infallibly wrecked themselves in the effort." — Froude, *Oceana*, Tauchnitz ed., p. 346.

[2] *Ibid.*, p. 313.

[3] In the draft Seymour declared he would put down all resistance to state laws. He would not promise to enforce a federal law. — Cf. *ante*, p. 301.

[4] Even patriotic New England, ingrained in particularism, felt and appreciated the change wrought by the war in federal and state relations. Governor Andrew, in addressing the 29th Massachusetts in 1863, said: "The pride in the fact that they were *Massachusetts men* could have no proportion to the fact that they were *United States* soldiers." — Schouler, *Mass. in the Civil War*, p. 418.

greater would be the participating parts. This principle was so little understood, in fact so ignored by the Copperheads in the war, that it ought to be explained now and enforced beyond the possibility of doubt for all time.

The marvelous growth of our country from 1789 to 1861 was the outcome of its unified strength. The body politic vibrated in its remotest part, as in the human body the heart-beat sends currents of life through all the members. Secession tried to break the Union, but it only induced further expansion of power, through temporary subversion. As Mr. Lincoln stated after emancipation, we were forced "to think anew and to act anew." The enlarged government of the Union after 1865 embodied more power in its various functions. It was larger in effect through the discipline and subordination of its parts. At first the "stateish spirit" of Indiana,[1] patriotic as it was, could only care for its own people in charitable work, but in the broad currents of a Western Sanitary Commission this feeling found larger life and was organized into a larger state.

In federal and state functions, Mr. Lincoln's process of new thinking and acting was at work throughout the Civil War, and necessarily changed the administration of the Union. We gave many details in the case of New York. The opinion of Attorney-General Bates — already cited in annulling the deposition of a regimental colonel by the governor of Kansas — dealt with the large question of federal or state control of volunteers. He was obliged to repel "the loose idea that the governors of the States have the right to control the

[1] *Ante*, p. 131.

organization of the troops from their respective States, even after they are received into the service of the United States."[1] This principle of unification of the functions of the federal government was working throughout all the departments of state during the Civil War. Such process does not make theories, it is the crucial practice of constitutional law.

The States did not lose by abnegating their partial sovereignty in certain cases, as was feared by Seymour and Vallandigham. They became greater in themselves as they renounced a separating individuality and merged themselves in the imperial greatness of an inclusive Union.

Enormous and preponderating issues, proceeding from emancipation, were embodied in the changes made in the Constitution. The thirteenth and fourteenth amendments were enacted in 1865 and 1866; and it would be a very faulty survey of the Union, as affected by the rebellion, which should overlook and neglect the scope and consequences of these changes. The amendments were capable of an interpretation which would subject all state legislation to a federal control. Without doubt the original intention of the legislature was to protect the negro in his new relations to the republic, without going farther and without disturbing the judicial rights of the white race.[2] Like many plans laid out for Sambo alone, the accomplishment went beyond the project and took in humanity at large, with all its restless wants and capabilities. As in the military outgrowth of the nation black troops brought new national powers to accord with the new national opportunity, so in the peaceful

[1] *O. R.*, Series III, vol. ii, 150. [2] Freund, *Police Power*, p. 65.

outcome of law the new citizen carried new development and consequence into the procedure of the courts. In the time of the famous Slaughter-House Cases, it was expected that the mighty arm of Columbia, stretched over the black man, would stop in its course and would not affect old judicial rights, relations established by more than a century of American law. Not so the result; in railroad litigation the Supreme Court took new departure from the fourteenth amendment, and controlled the police power of particular States.[1]

The poet said truly, —

> "The individual withers, and the world is more and more."

The individual citizen's grasp and reservation of his own chosen opinion, after he had surrendered his life to his country, was suggestive at times. Some Massachusetts volunteers early claimed the right to "refuse to serve except under officers of their own election." Governor Andrew subjected particularism to patriotism in the beginning. He told them promptly that such course "would subject the guilty to consequences from which I could not save them."[2]

Yet there are strong cross-currents in favor of the individual citizen, as the massive development of institutions goes on. The individual, instead of losing scope in the tremendous centralization of power attained by the Union at Washington, gained greater liberty. Particularism in the States suffered, but the liberty of the individual man gained new capacities.[3] Equality, which

[1] Freund, *Police Power*, p. 65. Also cf. Baldwin, *Two Centuries of American Law*, p. 35.

[2] *Mass. Exec. Files*, vol. 15, p. 11.

[3] The fourteenth amendment "protects individual rights, as in no land

was a glittering generality in France, has become a working element more and more in American political progress. It checks governmental powers, and the "controlling jurisdiction of the Supreme Court is invoked with increasing frequency to give it effect."[1] Pregnant as the principle is, it has not yet been defined fully in a legal sense. It counter-checks and even reverses the "crystallization" of feudal times.[2]

We may rest assured that the individual man in America will take care of himself, in the long run, corporations, trusts, and occasional institutions to the contrary notwithstanding. The world has long accustomed itself to the idea of a state embodied in the person of one man, king or tsar. The "state is I" seemed to be a natural dogma, when taking it by the head. It was the mission of America to change, even to reverse the process. Democracy is defective in some respects, but it extends and magnifies in the lowest order of its integral citizens that sense of "reasonable responsibility" desiderated by all statesmen. Whitman, the democratic poet, had many shortcomings, but he touched the heart of the people with a sure hand.

"Copious as you are I absorb you all in myself, and become the master myself,
America isolated yet embodying all, what is it finally except myself;
These states, what are they except myself?"

The pendulum did not swing too far, actually, in determining these planetary motions of the federal sys-

were they ever in any age protected before. But this is only by the sacrifice of other rights of Individualism; only by the exclusion of the sovereignty of the Union at the cost of the sovereignty of the State."—Baldwin, *Modern Political Institutions*, p. 114.

[1] Freund, *Police Power*, p. 631.

[2] *Ibid.*, p. 626.

tem. Though it was feared at first that these momentous changes might "reset the very foundations of our political system,"[1] the calm atmosphere of the courts soon brought the oscillating bodies into a proper balance of power. Corporations and persons were separated in the final outcome of judicial action.[2] Moreover, the Supreme Court expressly abnegated the functions which might undo proper state legislation.[3] The great agencies of local self-government proved to be more vital and enduring than the momentary action of race relations, and these profound influences assumed their proper place in political development.

The Union was thoroughly established by the Civil War, and its binding power was immensely increased thereby. Possibly by no peaceful experience could the essential force of a democracy, working through Whitman's units, — masters in their own circles, — could the democratic force have carried that mastering power through state and federal relations, into the larger articulation of the developed Union. War brought out all the latent powers of individuals in communities; these powers becoming active, first impelled States and finally swept the Union itself into larger and wider operation. But the nature and character of the Union was no sudden or abnormal creation.

[1] Baldwin, *Two Centuries of American Law*, p. 36.

[2] *Ibid.*, p. 295.

[3] The Supreme Court decreed: "If the laws enacted by a State be within the legitimate sphere of legislative activity, and their enforcement be attended with observance of those general rules which our system of jnrisprudence presents for the security of private rights, the harshness, injustice, and oppressive character of such laws will not invalidate them as affecting life, liberty, or property without due process of law." — Willoughby, *American Constitutional System*, p. 189.

It has been an efficient motive of these pages to show that the spirit of the Union, this sublime inceptive and coalescing principle, came early into being. The "flag of the Union" — not of Massachusetts or Great Britain — was hoisted by Pepperell over the fortress of Louisburg and over the prostrate power of France. The spirit of the Union was fostered by Franklin and his coworkers long before sugar-duties and tea-taxes, stamp-acts and port-bills harassed the grumbling colonies, thus imposing an encroaching prerogative of the Crown, as the colonists conceived it. The political philosophers of Europe saw clearly, when they recognized in the American Revolution a new principle of government, a new directing force in the large affairs of man. It was not merely that Samuel Adams and Patrick Henry disagreed with George III and Lord North. The largest governing force possible, the representation of the common people, — a representation groped after by France in bloody conflict, a force not empowered and utilized by England until after 1830, — this political renaissance was achieved in America when independence was proclaimed and sustained.

Such pregnant ideas, such dominating germs of government were more or less inchoate in the first periods of Union life. They subsisted, though latent and inactive, in all the communities of the United States. Calhoun and his school found these undeveloped functions of government ready to hand. It suited the aspirations of slavery to exalt itself through the unsubjected functions of particular States. As individuals and as communities, the propagandists revolted and rebelled. Mr. Lincoln proclaimed a mighty hope when he ventured

the forecast that the war would be the last appeal from ballot to bullet.[1] As he viewed it, government by the people was being established on firm foundations. In their wayward interpretation of the Constitution, the Southern rebels dragged many Northern politicians into sympathy with them and into support of their hazardous creed. Seymour of New York, Abbott and Loring of Massachusetts, the Knights of the Golden Circle would not sustain the Union positively against a particular State.[2]

It is difficult to comprehend the problem now as it stood in 1864, as the course of events has so changed the perspective. But the Democratic presidential convention of 1864 said directly that there was "failure of the Union by the experiment of war," then advised a convention of States to "restore peace on the basis of the federal union of the States." Here would appear to be a difference between restoration of the Union simple and a federal union of the States brought into being by a peace.

This great constitutional problem has been worked out in the conflict of war, and through the consequent legislative and judicial action. The contrary or state-rights doctrine, supported by the antique social and the modern unsocial institution of slavery, was overcome by the Union, which prevailed over the functions of particular States. The whole state — the Union — in-

[1] August 26, 1863. A peace "worth the keeping in all future time. It will then have been proved, among free men, that there can be no successful appeal from the ballot to the bullet; and they who take such appeal are sure to lose their case, and pay the cost." — *O. R.*, Series III, vol. iii, 734.

[2] Cf. *ante*, p. 307.

herited all the powers of civilization descended from centuries of tribal hordes, kingdoms, and empires, from cities and republics. This historic evolution, including and embodying our Civil War, cannot be studied too much or pondered too thoroughly. The past involves the future of a powerful commonwealth. I have shown [1] that it is a practical question in that politicians and publicists even now ignore the true causes and effects which wrought the changes in our Constitution and yet more produced our modern constitutional atmosphere. The renovated and extended Union has become so natural and normal that these censors have forgotten the significant throes of the body politic in producing its second birth.

The State of Texas, one of these particular communities, will have soon — as time goes in the experience of nations — a population larger than that of the Southern Confederacy when it attacked the basic principles of the United States. Every individual person, in this future aggregation of American citizens, ought to study and comprehend the principles of this contest — federal and state — which shook the whole world in the first two years of its course. But Texas is singular only in its size. Little Rhode Island — small in bulk, great in achievement and historic inheritance — is founded on the same principles. New York in its cosmopolitan aspiration, Massachusetts in its critical and criticising excellence, the Northwest in its imperial yearning, each and all of these particular communities may well study the history of this great struggle at arms, and the greater problems of civic evolution involved therein. The par-

[1] Cf. *ante*, p. 4.

ticular States at last found their true distinction, not in independent governmental action, but in their becoming the majestic parts of that magnificent whole—the American Union.

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